



GRAND JURY



Photo by Jon Mason

COMPREHENSIVE FINAL REPORT 2006-2007

Inside Cover page



PLACER COUNTY GRAND JURY

(530) 886-5200
Mailing Address:

FAX (530) 886-5201
11490 C Avenue, Auburn, CA 95603

11 June 2007

The Honorable Larry Gaddis
Jr.
Presiding Judge, Superior Court
County of Placer
Department 2
101 Maple Street
Auburn, CA 95603

The Honorable Eugene S. Gini,
Judge of the Superior Court and
Advising Grand Jury Judge
Department 12
11270 B Avenue
Auburn, CA 95603

Subject: 2006-2007 Placer County Grand Jury Reports

Dear Judge Gaddis and Judge Gini,

The 2006-2007 Placer County Grand Jury is pleased to present this final report to the Presiding Judge and the Advising Judge of the Superior Court of Placer County.

The members of the Placer Grand Jury dedicated countless hours of hard work to bring this Final Report to you both and the citizens of Placer County. In July of last year, 19 Placer County citizens volunteered to serve on the Grand Jury. After being selected and sworn in, they gathered as the newly impaneled 2006-2007 Grand Jury to begin the task of producing a series of Final Reports on the status of our county. In a very short time these strangers became a working team creating the Final Report submitted herein. Along the way, we met many times in committees and in plenary sessions to consider, contemplate, plan, interview, write, rewrite, edit and rewrite again. The members often vigorously debated many points of view on topics we thought important and critical to the process. We are no longer strangers.

Of special interest to this Grand Jury, in the months of August and September a lengthy criminal indictment hearing was conducted at the request of the Placer County District Attorney's Office. In November the Grand Jury was once again requested to hold a criminal hearing of a much shorter duration. One additional criminal indictment hearing was held in 2007. All three criminal hearings resulted in True Bills being issued by the Grand Jury. The last time the Grand Jury was impaneled to conduct criminal hearings was in 2002.

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The second notable effort involved the updating of the Grand Jury Handbook. This was accomplished over several months and involved gathering information from the California State Grand Jury Association. In addition to this activity, work was completed on updating the State of California Archives with all available copies of prior Grand Jury Final Reports.

We are also pleased to report after ten years of reporting on the need to update or replace the aging Sheriff's Substation at North Lake Tahoe (commonly referred to as the Burton Creek facility), the County Executive Officer has agreed to schedule the replacement of the facility on the existing site in the 2008 construction schedule.

We would like to take this opportunity to express our thanks and gratitude to the court staff and elected officials who every year face yet another new group of Grand Jury members. They patiently answered our questions and counseled us in the ways of county government leaving us feeling as if our concerns and queries were new and unique. We would like to thank the many public employees who so graciously took the time to explain and assist us in our daily efforts to function as a Grand Jury. We would also like to thank the staff of the Placer County District Attorney's Office, for allowing us to be of service to the citizens of Placer County.

The Jury believes we have accomplished our required tasks and reported on issues of substance affecting citizens of Placer County. We also believe the enclosed Final Report will provide greater knowledge and insight into the functions of our county government. We strongly encourage every citizen to look at the Grand Jury's findings, recommendations and responses from their public officials.

The 2006-2007 Placer County Grand Jury thanks you for your support and counsel during the past year and for the opportunity to serve the citizens of Placer County. It has been an education, a privilege and an honor.

Sincerely,

John Wallauch

John Wallauch

Foreman

2006-2007 Placer County Grand Jury

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PLACER COUNTY GRAND JURORS 2006 – 2007

Foreman: John Wallauch Granite Bay

Pro-tem: Frances Tally Hale Auburn

Gordon (Pete) Blakeman	Roseville
Ruth Braun	Lincoln
Linda Fazo	Auburn
Judy Green	Lincoln
Mary Grivna	Rocklin
James Hare, Jr.	Auburn
Jonathan S. Mason	Auburn
Shari O'Dette	Auburn
Bethany Overhoff	Newcastle
Tina Payne	Lincoln
Nick Rohrer	Colfax
Delta Wilson-Ricky	Auburn
Robert Smith	Roseville
Jon Skinner	Roseville
Randi Swisley	Auburn
Robert Zimmerman	Granite Bay

Retiring Grand Jury Members

Herb Boyer
Craig Furman
Eric Hill
Robert Mock

Placer County Grand Jury 2007



From left to right, back row: Jon Mason, Randi Swisley, Pete Blakeman, Ruth Braun, Bethany Overhoff, Frances Hale, Bob Zimmerman, and Nick Rohrer; from left to right, front row: Delta Ricky, Shari O'Dette, Linda Fazo, Judy Green, Tina Payne, Mary Grivna, Loren King, and James Hare; not pictured are Jon Skinner, John Wallauch, and Bob Smith.

Abstracts

Lincoln Water District

The Placer County Grand Jury investigated two complaints into water and wastewater rate increases by the City of Lincoln to determine if the increases were in violation of Proposition 218. The Grand Jury reviewed both Proposition 218 and documentation provided by the City of Lincoln in support of its rate increases. Proposition 218 specifically excluded fees for water, sewer and refuse collection services from the voter approval requirement of Proposition 218. For four years the City of Lincoln elected not to pass on rate increases by Placer County Water Agency resulting in a shock to the community when the cumulative 70% increase in water rates was imposed. Wastewater rate increases are attributable to improvements to the existing wastewater treatment plant and operating costs of a new wastewater treatment and reclamation facility. Even though the cost of construction was borne by developers, the new facility has generated increases in operating costs. It appears that revenue generated as a result of increases in wastewater rates will be allocated exclusively to the operation of the wastewater treatment and reclamation facility. The Grand Jury concluded that water and wastewater rate increases by the City of Lincoln were adopted in compliance with Proposition 218 and no vote of the public was required.

Roseville Transit

The Grand Jury conducted an investigation into the operation of Roseville Transit as part of its overall responsibility to confirm that taxpayers are receiving the maximum value for tax revenues spent to support the public transportation system. The Grand Jury found there is a large disconnect between the size of the buses in use and the actual number of riders aboard them.

The Grand Jury also concludes and recommends that agencies and local governments responsible for oversight of Roseville Transit should require increases in average fare box recovery rates for the fixed routes within the systems. Currently, Roseville Transit relies upon a disproportionate amount of the total average fare box recovery from the commuter bus routes which potentially can be impacted and displaced by the expansion of light rail.

Auburn Police Department

The Grand Jury conducted its annual inspection of the Auburn Police Department. The Department is in compliance with California Penal Code Section 919(b). A commendation letter to the Chief of Police was sent following the on-site inspection.

Burton Creek Substation

The Grand Jury conducted its annual inspection of the Placer County Sheriff's Burton Creek Substation. This facility has been recognized to be inadequate for more than ten years. With the existing facility there is inadequate space to house all the essential functions of the Sheriff's administration, jail/booking facility, investigations, records and dispatch offices. Burton Creek has found it necessary to expand the facility to keep up with the growth of its department and anticipates a move to a new location in the near future. Given the condition of the facility, the Grand Jury was

pleased with the administration, maintenance and staffing of this facility. The employees at Burton Creek are a credit to the community they serve.

Rocklin Police Department

The Grand Jury conducted its annual inspection of the Rocklin Police Department. The Rocklin Police Department moved into a new and larger facility, which was designed to handle its growth. The Grand Jury was pleased with the maintenance and staffing of this facility.

Roseville Police Department

The Grand Jury conducted its annual inspection of the Roseville Police Department. The Grand Jury was pleased with the maintenance and staffing of this facility. The Roseville Police Department has found it necessary to expand the facility to keep up with the growth of its department.

Lincoln Police Department

The Grand Jury conducted its annual inspection of the Lincoln Police Department. The Grand Jury was pleased with the maintenance and staffing of this facility. The Lincoln Police Department has found it necessary to expand the facility to keep up with the growth of its department and anticipates a move to a new location in the near future.

Placer County Main Jail

Placer County's main jail is located in Auburn and is operated by the Sheriff's Department. This facility houses prisoners from all law enforcement agencies located in Placer County. The Grand Jury inspected the facility and determined that it is being operated in an efficient and professional manner by a well-trained staff. During the past year improvements have been made to reduce prisoner traffic in the medical unit waiting area by sending medical personnel to the holding areas. Facility construction problems as noted in the 2005-2006 Grand Jury report still exist.

Citizen Complaints/ Follow Up

The 2003-2004 Placer County Grand Jury made recommendations to the Auburn, Lincoln, Rocklin, and Roseville Police Departments, as well as the Placer County Sheriff's Office regarding their citizen complaint processes. No follow-up was done on the processes in subsequent years until the 2006-2007 Grand Jury revisited the various law enforcement agencies and ascertained that they are maintaining citizen complaint files in a well-organized manner.

Quimby Act

The Grand Jury investigated a complaint into the alleged inappropriate use of Quimby Act funds by the Auburn City Council for rehabilitation at Recreation Park in the City of Auburn. The Grand Jury determined, based on California Government Code Section 66477, the Auburn City Council did not violate the act in the use of these funds. Upon reviewing the law, the Grand Jury found that the use of Quimby Act funds was appropriate for the repair and rehabilitation of Recreation Park.

Sewer Lift Station Upgrade

During 2006, the City of Auburn Public Works Department upgraded an existing sewer lift station on Canyon Drive which resulted in numerous complaints from residents. The City of Auburn installed a larger generator, more equipment and diesel fuel storage. As a result of residents' complaints, the Public Works Department has agreed to build a roof and wall over the lift station equipment. The City will also landscape the area to reduce sound and aesthetically improve the lift station site.

County Auditor/Controller

The Grand Jury has looked into the operations of the Office of the Auditor/Controller for the County of Placer. An examination was also made of accounting procedures and the ability of this office to fulfill its responsibilities to other county departments and to the county's citizens and taxpayers. The procedures and capabilities of the outside auditors to perform their functions were reviewed. The Grand Jury has concluded that this office and its outside auditors are highly qualified to perform their assigned tasks.

The Grand Jury has also found it to be in the county's best interest to form an Audit Committee. That committee would oversee the functions of the county's external auditors.

Placer County Juvenile Detention Facility

The Grand Jury conducted its annual inspection of the Placer County Juvenile Detention Facility and found it to be well maintained and staffed.

Community Development Resource Agency

The Placer County Community Development Resource Agency purchased a land use management system. Four years and one million dollars later, . . .this system still has not been fully implemented.

Placer County purchased a software package to expedite its land use management practices in 2003, with the system going live early in 2004. It was reported to the Grand Jury that between the purchase price, ongoing software maintenance and user education, the county has invested over a million dollars in this solution. To date, the Building Department has successfully implemented the record keeping function, but few other features are used. County management insists the delay is due to a complicated interface that makes the system difficult to use. The system doesn't support Placer's multi-layered permit fee structure, and until recently, an ambiguous county ordinance. While the Community Development Resource Agency and Information Technology (IT) have invested hundreds of hours in user training and process modification, there is scant evidence that Placer County is getting value received for its money.

Placer County Office of Education

An employee of Placer County Office of Education (PCOE) believes that PCOE employees are being discouraged from filing child abuse reports. All PCOE employees are required by law to report any suspected child abuse. The Grand Jury found several process and procedure improvements that could be

implemented to better assist PCOE employees in filing these mandatory reports. The Grand Jury may become involved in criminal activity associated with child abuse and child abuse reporting if requested do so by the District Attorney, but criminal activity is not pursued independently by the Grand Jury.

Auburn Union School District

The service provided to the community by the Auburn Placer County Library (Library) is routinely disrupted by some parents and students of E.V. Cain Middle School (School). In addition, Library property has been vandalized by School students. Problems occur when students arrive and depart from the School campus through Library property. This report recommends immediate cooperative action, led by Auburn Union School District (AUSD) to solve a crucial situation which is negatively impacting the Library and potentially endangering children coming and going to the School. A task force comprised of key leaders in the community should be established to solve problems caused by students, their parents and caregivers who approach and leave the School through Library property. The task force should provide a united front to enforce legal behavior on Library property. The united front of the task force should deal swiftly and consistently with the specific individuals who violate the law and who violate Library rules on Library property.

Newcastle Fire Protection District

The Placer County Grand Jury conducted an extensive investigation into the operations of the Newcastle Fire Protection District following the receipt of a citizen's complaint about violations of California's Brown Act and staffing at the Scotts Flat Substation. During its investigation of the initial complaint, the Grand Jury identified several other management issues such as a disunited board of directors, a dilapidated physical plant, and morale issues among the fire fighters.

FUNCTIONS AND HISTORY OF THE GRAND JURY

HISTORY - The eleventh century holds claim to formation of juries. In 1215 the jury theory had progressed into a pledge expressed in the Magna Carta, that no free man would be “imprisoned or dispossessed or exiled or in any way destroyed . . . except by the lawful judgment of his peers . . .”

In 1635, the Massachusetts Bay Colony impaneled the first grand jury to consider cases of murder, robbery and wife beating. The U.S. Constitution’s Fifth Amendment and the California Constitution call for grand juries. Grand juries were established throughout California during the early years of statehood. As constituted today, the criminal and civil grand jury is a part of the judicial branch of government, an arm of the court system.

The criminal grand jury may conduct hearings to determine whether there is sufficient evidence to bring an indictment charging a person with a public offense. However, the district attorney usually calls for empanelment of a separate jury drawn from the petit (regular trial) jury pool to bring criminal indictments. The civil and criminal grand jury has the power to subpoena.

FUNCTIONS – The grand jury is an investigative body created for the protection of society and the enforcement of the law. The grand jury in California is unique in that its duty includes investigation of county government as provided by statutes passed in 1880. Only a few other states require grand jury investigation beyond alleged misconduct of public officials. Although the responsibilities of a juror are many and diverse, the three predominant functions include:

CIVIL WATCHDOG RESPONSIBILITIES – This is the major function of present day California grand jurors and considerable effort is devoted to these responsibilities. The grand jury may examine all aspects of county and city government and special districts to ensure the best interests of Placer County citizens are being served. The grand jury reviews and evaluates procedures, methods and systems utilized by county government to determine whether more efficient and economical programs may be employed. The grand jury is also authorized to:

- Inspect and audit books, records and financial expenditures to ensure that public funds are properly accounted for and legally spent.
- Inspect financial records of special districts in Placer County.
- Inquire into the conditions of jails and detention centers.
- Inquire into charges of willful misconduct in office by public officials or employees.

Most grand jury “watchdog” findings are contained in reports describing problems encountered and making recommendations for solutions. In order to accomplish the county watchdog functions, committees are normally established. During its term, the grand jury issues final reports on the operations of government in Placer County.

The governing body of the public agency, whether city or county, which was the subject of the report, must respond to the grand jury's findings and recommendations in a timely manner, as prescribed by California law.

CITIZEN REQUESTS – As part of the civil function, the grand jury receives many letters from citizens alleging mistreatment by officials, suspicious misconduct, or governmental inefficiencies. Requests received from citizens are investigated for their validity. Such requests are kept confidential.

CRIMINAL INVESTIGATIONS – The criminal grand jury holds hearings to determine whether evidence presented by the district attorney is of sufficient nature to warrant persons having to stand trial in court. A minimum of 12 jurors must vote for an indictment in any criminal proceeding.

QUALIFICATIONS Prospective grand jurors must possess the following qualifications (Penal Code Section 893):

- Be at least 18 years old.
- Be a resident of California and Placer County for at least one year immediately prior to selection.
- Be in possession of his or her natural faculties, of ordinary intelligence, of sound judgment and fair character.
- Possess sufficient knowledge of the English language to communicate both orally and in writing.

A person is NOT competent to act as a grand juror if any of the following apply:

- The person is serving as a trial juror in any California court.
- The person has been discharged as a grand juror in any California court within one year of the beginning date of service, July 1.
- The person has been convicted of malfeasance in office or any felony or other high crime.
- The person is serving as an elected public official.

Desirable qualifications for a grand juror include the following:

- Be in good health.
- Be open-minded with concern for the views of others.
- Have the ability to work with others.
- Have genuine interest in community affairs.
- Have investigative skills and an ability to write reports.

SELECTION – In the spring of each year the Presiding Judge selects persons at random from the list of volunteers, who have been interviewed and determined to have met the above qualifications.

Volunteers can expect that a criminal records check will be conducted. Applications are reviewed for consideration and an interview is scheduled with either of the following people, the Presiding Judge, the foreman of the outgoing panel, or an assistant of the Presiding Judge. After the interview process, prospective applicants are requested to appear for the final selection. At this time, with outgoing grand jurors in attendance, 19 names are drawn randomly by the court clerk. Another 12 names are drawn and ranked to form the alternate list of jurors. The new 19 grand jury members are sworn in and given a description of their duties and responsibilities by the Presiding Superior Court Judge. The citizens begin a one-year term on July 1.

COMMITMENT – Persons selected for grand jury service can expect to serve 25 to 30 hours per month for a period of one-year(July 1 through June 30).

REMUNERATION – Grand jurors receive a nominal payment for meetings attended.

ORIENTATION – An orientation program about county and city government and other county entities will be provided to the newly selected grand jury panel.

WHY BECOME A GRAND JUROR? – Those who volunteer and are accepted for grand jury service should feel privileged to be selected. They enter this service with interest and curiosity in learning more about the administration and operation of the government of Placer County. Serving as a grand juror requires many hours and you **must** be earnest in your commitment.

GRAND JURY REPORTS

As an independent agency, the Placer County Grand Jury maintains its own website. Past and present final reports along with responses to those final reports may be found on the Placer County Superior Court website:

<http://www.placercourts.org/grandjury.htm>

REQUEST FOR GRAND JURY ACTION

Placer County Grand Jury
DeWitt Center
11490 C Ave., Auburn, CA 95603

Notice: This form and any supplemental material will be treated confidentially. The Grand Jury is prohibited by law from disclosing any aspect of an inquiry prior to issuing a final report. For various reasons the grand jury cannot investigate all requests for action, therefore you may wish to pursue other avenues.

Your Name		
Your Mailing Address	City	Zip Code
Home Telephone	Work Telephone	

PERSON / AGENCY YOU ARE REPORTING		
Name		
Address	City	Zip Code
Telephone		

Please use space on back of form for a brief narrative of key events.

Attach any correspondence or documents about the subject.

LIST OTHER OFFICIALS/AGENCIES YOU HAVE CONTACTED ABOUT THIS SUBJECT		
Official/Agency	Address	Approximate date of contact

PAST OR PENDING LAWSUITS	
Explain what you know of past or pending lawsuits related to this matter.	

Your Signature:	Date:
-----------------	-------

Please mail completed form to the Placer County Grand Jury Foreperson at the above address.

For Official Use Only. Do not write in the space below.

Number:	Date Received:	Date Considered:
Disposition:		

REQUEST FOR GRAND JURY ACTION, CONTINUED

NARRATIVE OF KEY EVENTS

(Please include dates and names of persons /agencies involved)

[illegible]

REQUEST FOR GRAND JURY ACTION FORM

INSTRUCTIONS

I. The Grand Jury Citizen Complaint Form should be prepared after all attempts to correct a situation have been explored and have been found to be unsuccessful.

II. Instructions for preparing the Citizen Complaint Form:

a. The complaint is against:

- Include the name of the individual or organization the complaint is against.
- Insure correct spellings.
- If the complaint is against an individual within an organization be sure to include the individual's title or position on the organization.
- Provide the street address (not a P.O.Box), city and zip code.
- The telephone number of the organization or individual cited should include the area code.

b. My complaint against the above-named person or agency is:

- Describe the problem in your own words being as concise as possible, providing dates, times, and names of individuals involved.
- Cite specific instances as opposed to broad generalizations.
- Attach any available photographs, correspondence or documentation that supports your complaint.
- If more room is required, attach extra sheet and include their number on the last line of the first sheet – i.e.: “three (3) additional sheets are attached.”

c. Complainant:

- Include your name, street address, city, zip code, telephone number and area code.
- *Your name will be held in strictest confidence. All grand jury documents are secret and cannot be subpoenaed in court or revealed to the public.*

Mail this complaint form to the address shown on the front.

Please sign your complaint. You may file an anonymous complaint if you wish. However, the grand jury is less likely to investigate anonymous complaints because they will not be able to contact you for clarification and follow-up. They are also less likely to get to the truth of the matter if it does choose to investigate.

III. The grand jury will respond to your complaint and acknowledge its receipt. The grand jury may contact you directly during its inquiries.

TO APPLY FOR OR CONTACT THE GRAND JURY

Placer County residents are encouraged to volunteer for Grand Jury service. This may be done by visiting the Grand Jury website listed below and filling out the Application for Service.

Residents of Placer County are encouraged to write or contact the Placer County Grand Jury by one of the following methods:

Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

Grand Jury Website: <http://www.placercourts.org/grandjury.htm>

Grand Jury E-mail address: grandjury@placer.ca.gov

Telephone inquiries: Call 530-886-5200 530-889-7404

Please leave a detailed message containing your name, address along with your telephone number and a representative of the Superior Courts will contact you.

LIST OF RESPONDENTS

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INSTRUCTIONS FOR RESPONDENTS

The legal requirements affecting respondents and responses to Grand Jury findings and recommendations are contained in California Penal Code, Section 933.05. The full text of the law is printed below.

Each Respondent should become familiar with these legal requirements and, if in doubt, should consult legal counsel prior to responding.

For the assistance of all Respondents, Sections 933.05 of the California Penal Code is summarized as follows:

The responding person or entity must respond in one of two ways:

1. That you agree with the finding.
2. That you disagree wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for the disagreement.

HOW TO REPORT ACTION IN RESPONSE TO RECOMMENDATIONS

Recommendations by the Grand Jury require action. The responding person or entity must report action on all recommendations in one of four ways:

1. The recommendation has been implemented, with a summary of the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. If a person or entity reports in this manner, the law requires a detailed explanation of the analysis or study must be submitted to the officer, director, or governing body of the agency being investigated.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

BUDGETARY or PERSONNEL RECOMMENDATIONS

If either a finding or recommendation deals with budgetary or personnel matters of a County department headed by an elected officer, both the elected officer and the Board of Supervisors shall respond if the Grand Jury so requests. While the Board of Supervisors' response is somewhat limited, the response by the department head must address all aspects of the findings and recommendations.

APPEARANCE BEFORE THE GRAND JURY

Prior to the publication or release of Grand Jury findings, the Grand Jury may request a personal appearance by the person or entity to discuss the proposed findings.

**ADVANCE RELEASE OF GRAND JURY REPORT
DISCLOSURE PROHIBITED PRIOR TO PUBLIC RELEASE**

Two working days prior to release of the Final Report, the Grand Jury will provide a copy of the portion of the report to all affected agencies or persons. No officer, agency, department, or governing body of a public agency shall disclose the contents of the report prior to its release.

TIME TO RESPOND, WHERE AND TO WHOM TO RESPOND

Section 933.(c), Penal Code, depending on the type of Respondent, provides for two different response times and to whom you must respond:

1. Public Agency: The governing body of any public agency must respond within ninety (90) days. The response must be addressed to the Presiding Judge of the Superior Court.
2. Elective Office or Agency Head: All elected officers or heads of agencies who are required to respond must do so within sixty (60) days, to the Presiding Judge of the Superior Court, with an information copy provided to the Board of Supervisors.

The Presiding Judge of the Placer County Superior Court system is:

The Honorable Larry Gaddis
Presiding Judge of the Superior Court
County of Placer
101 Maple Street
Auburn, CA 95603

Also, please send your responses in the form of an
original hard copy as well as digital copy on Compact Disk
to the Placer County Grand Jury, addressed as follows:

Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

CALIFORNIA PENAL CODE

SECTION 933.05

a. For purposes of subdivision (b) of Section 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:

1. The Respondent agrees with the finding.
2. The Respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

b. For purposes of subdivision (b) of Section 933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following actions:

- i. The recommendation has been implemented, with a summary regarding the implemented action.
- ii. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- iii. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
- iv. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

c. However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a County agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

d. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

e. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation, unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.

A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two (2) working days prior to its public release and after the approval of the Presiding Judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the Final Report.

Divider Side 1

Divider Side 2

WATER AND WASTEWATER RATE INCREASES

CITY OF LINCOLN

SUMMARY:

The Placer County Grand Jury investigated two complaints into water and wastewater rate increases by the City of Lincoln to determine if the increases were in violation of Proposition 218. The Grand Jury reviewed both Proposition 218 and documentation provided by the City of Lincoln in support of its rate increases. Proposition 218 specifically excluded fees for water, sewer and refuse collection services from the voter approval requirement of Proposition 218. For four years the City of Lincoln elected not to pass on rate increases by Placer County Water Agency resulting in a shock to the community when the cumulative 70% increase in water rates was imposed. Wastewater rate increases are attributable to improvements to the existing wastewater treatment plant and operating costs of a new wastewater treatment and reclamation facility. Even though the cost of construction was borne by developers, the new facility has generated increases in operating costs. It appears that revenue generated as a result of increases in wastewater rates will be allocated exclusively to the operation of the wastewater treatment and reclamation facility. The Grand Jury concluded that water and wastewater rate increases by the City of Lincoln were adopted in compliance with Proposition 218 and no vote of the public was required.

BACKGROUND:

The Grand Jury received two complaints regarding water and wastewater rate increases by the City of Lincoln. Specifically, the complainants inquired whether the city could impose such increases without a vote of the people, and if in doing so the city had violated the provisions of Proposition 218.

Proposition 218, entitled the “Right to Vote on Taxes Act,” was approved by the voters of the State of California in November 1996. While Proposition 13 imposed restrictions on taxes, Proposition 218 focused on two other government revenue sources—assessments and fees. Notification and election procedures were adopted for the approval of assessments and property-related fees or increases in existing assessments and fees. However, fees for water, sewer and refuse collection services were specifically excluded from the voter approval requirement in Proposition 218.

METHODOLOGY:

The Grand Jury researched Proposition 218 as well as relevant legal opinions and a Supreme Court decision. The City of Lincoln was contacted and asked for documentation supporting the

rate increases. The Grand Jury examined the documentation provided including staff reports dated March 14, 2006, and July 11, 2006, related to the water and wastewater rate studies. (See Appendices A and B)

FACTS:

On March 14, 2006, the Lincoln City Council held a public hearing to consider an increase of water rates. Ordinance 801B was subsequently adopted on March 28, 2006, with an effective date of May 1, 2006. Existing water rates were not adequate to recover the costs of providing water service. Placer County Water Agency (PCWA) charges for 10,000 gallons of treated water increased annually from \$11.56 in 2003 to \$19.65 in 2006. These charges cover the cost of water only and do not include the cost of local delivery systems. Nevertheless, the city had not implemented corresponding rate increases. Rather it absorbed the growing costs in an attempt to minimize the effect on water users. At the time of the public hearing, the city was collecting only \$13.09 of the \$19.65 cost of water resulting in a projected deficit for FY 2006-2007 of \$2,612,724. The newly adopted rate of \$22.90 projects a positive balance of \$31,484.

On June 20, 2006, the city held a public workshop to review the wastewater rate study. On July 11, 2006, the Lincoln City Council held a public hearing to consider an increase of wastewater rates. Ordinance 808B was subsequently adopted on July 25, 2006, with an effective date of September 1, 2006. Permit requirements imposed by state and federal agencies necessitated approximately \$20 million of improvements to the existing wastewater treatment plant in order to accommodate the immediate demands of new development. The city and developers cooperated in the wastewater treatment plant expansion and the subsequent construction of a new wastewater treatment and reclamation facility. The new facility was not built with taxpayers' dollars, but rather was funded by developers. The city anticipated increased operational costs associated with the new wastewater treatment and reclamation facility, but could not determine those costs until the facility had been in operation for a period of time. The wastewater treatment and reclamation facility has now been in normal operations for 12 months. A budget has been developed incorporating the increased costs and forms the basis for increasing wastewater rates. Staff recommended that the wastewater rates be phased in over a two-year period to reduce the financial impact on residents. Current monthly wastewater service charges total \$17.50 per equivalent dwelling unit and have not been increased since 1996. The new service charges will be \$22.75 through June 30, 2007, and \$27.98 for FY 2007-2008. After the first two years, normal increases relative to the consumer price index are anticipated.

Financial documents submitted in support of the rate increases have been reviewed by the Grand Jury. It appears that revenue generated as a result of these increases will be allocated exclusively to the operation of the wastewater treatment and reclamation facility. None will be transferred to the general fund.

FINDINGS:

The Grand Jury found:

1. The City of Lincoln adopted water and wastewater rates in accordance with Proposition 218, and no vote of the public was required under Proposition 218.
2. Between 2003 and 2006, the City of Lincoln elected not to pass on water rate increases as they occurred, resulting in a cumulative increase of approximately 70% and a shock to the community.
3. The City of Lincoln purchases treated water from Placer County Water Agency. As a result, it is paying to support PCWA's treatment and delivery system.

CONCLUSIONS/RECOMMENDATIONS:

The Grand Jury concludes that the City Council for the City of Lincoln took no illegal actions in its implementation of water and wastewater rate increases without prior voter approval. It is a matter for the voters of the city to determine whether to seek rate adjustments by way of the initiative process available under Proposition 218.

The Grand Jury recommends the following actions be taken by the City of Lincoln:

1. Review the city policy of absorbing cost increases rather than passing them on as they occur.
2. Explore alternatives for the acquisition of water, including construction of a water treatment plant to allow for purchase of untreated water.

REQUEST FOR RESPONSE (S):

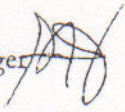
1. Lincoln City Manager
2. Lincoln City Council


APPENDICES:

- A. March 14, 2006, staff report.
- B. July 11, 2006, staff report.

Appendix A

TO: City Council

FROM: Gerald F. Johnson, City Manager 

PREPARED BY: Steve Ambrose, Interim Finance & Administrative Services Director 

DATE: March 14, 2006

ITEM: Water Rate Study

RECOMMENDATION: To hold a public hearing, to consider an increase of water rates and to introduce and waive the first reading of an ordinance amending Sections 13.04.205, 13.04.207 and 13.04.209 of the Municipal Code.

BACKGROUND/ANALYSIS: At the November 8, 2005 City Council meeting a Consultant Services Agreement was approved for Hilton, Farnkopf and Hobson to complete a Revised Water Rate Study. The need for the revised rate study was based on the fact that water rates were not adequate to recover the costs of providing water services to our customers.

As a result of the Revised Water Study, it is recommended that the City's base water rates be increased to anywhere between \$21.10 and \$22.90. Four options are presented in Exhibit A which indicates the applicable base rate and tiered charges for each.

The major factor to cause such a substantial change is the increased cost to purchase treated water from PCWA. Typically 90% of the water delivered annually to City customers is purchased from PCWA. Exhibit B compares the monthly costs to purchase water from PCWA for each EDU assuming 10,000 gallons of usage (The City's current monthly water base rate includes 10,000 gallons of usage). There are two basic categories for the monthly costs to purchase water from PCWA, "fixed charges" and "water use". The City must pay the fixed charges every month for every EDU purchased regardless of the amount of water delivered to the City's system. The Water Use charges are paid based on actual water delivered to the City's system.

Exhibit B indicates that the structure of the City's current water rates do not even cover the cost of purchased water from PCWA, let alone City distribution costs. PCWA rates effective in March 2004 cost the City \$13.04 to purchase a basic 10,000 gallons. The PCWA rates effective in March 2006 will cost the City \$19.65 for the same 10,000 gallons. The City Council has made every effort to keep the monthly water base rate as low as possible; however, the increased cost to purchase PCWA water has resulted in a deficit in the City's Water Operations fund.

The projected results of the proposed rate increase options vary for the FY 2006-07 Water Operations, ranging from an \$879,134 deficit with a \$21.10 base rate charge to a \$31,484 positive balance with a \$22.90 base rate charge. If the assumptions used in the revised water rate study are

7.2A

generally correct, the Water Operations will become financially stable in the FY 2007-08 with all four options and meet minimum reserve balance requirements.

Current average residential usage during the summer months is approximately 18,000 gallons per month. Based on current rates, the average cost for residential water customers during the summer months is \$26.42. The average summer cost based on the rate options for the period beginning May 2006 would be \$42.86 with a base rate of \$21.10, \$44.19 with a \$21.75 base rate, \$45.57 with a \$22.45 base rate and \$47.61 with a \$22.90 base rate charge.

City ordinances have been established for water user rates related to construction water and customers outside the City. Water user rates for construction water are twice the amount of the highest tier for water users within the City. Water user rates for customers outside the City are 150% of the rates for customers inside the City.

Exhibit C presents comparative water rates for the communities of Rocklin, which is served by PCWA, and Roseville, which administers its own water utility.

OPTIONS:

The City Council may take the following actions:

1. Allow for a brief staff report.
2. Approve the Option 1 changes to the City's water rates, introduce the ordinance attached and waive the first reading.
3. Approve the Option 2 changes to the City's water rates, introduce the ordinance attached and waive the first reading.
4. Approve the Option 3 changes to the City's water rates, introduce the ordinance attached and waive the first reading.
5. Approve the Option 4 changes to the City's water rates, introduce the ordinance attached and waive the first reading.
6. Take no action at this time.
7. Provide staff with additional direction.

FISCAL IMPACT: The intent of the increase in water rates is to recover the cost of providing treated water to City customers and provide reasonable reserves to the Water Operations fund.

ACTION PLAN: No.

RELATED ACTION(S): The Wastewater Rate Study to follow upon completion of the Water Rate Study efforts.

Appendix B



MEMORANDUM

TO: City Council

FROM: Gerald F. Johnson, City Manager *[Signature]*

PREPARED BY: Steve Ambrose, Finance & Administrative Services Director *[Signature]*

DATE: July 11, 2006

ITEM: Wastewater Rate Study

RECOMMENDATION: To hold a public hearing, to consider an increase of wastewater rates and to introduce and waive the first reading of an ordinance amending Sections 13.12.100, 13.12.110, and 13.12.132 of the Municipal Code.

BACKGROUND/ANALYSIS: In 1998 the City became aware of new permitting requirements that were being implemented in regards to the City's Wastewater Treatment Plant (WWTP) located south of Nicolaus Road. The estimated cost to construct the necessary improvements would have been approximately \$20 million. Had the City not been experiencing growth at this time, the debt service for the cost of these improvements probably would have been added to the monthly sewer charge.

During this time the City was negotiating with Del Webb and Placer Holdings, Inc. regarding the Twelve Bridges development. The City and developers worked cooperatively to first expand the existing WWTP to meet the immediate demands of new development and then planned the construction of a new Wastewater Treatment and Reclamation Facility (WWTRF).

The WWTRF was designed and constructed to meet all of the current permitting requirements imposed by the State and Federal Agencies. The City was aware that the cost to operate the new WWTRF would increase due to these new requirements. However, the actual costs could not be determined until the WWTRF actually sustained normal operations for a period of time.

The City Council and staff agreed that a 12 month operating period would be an appropriate time to determine the future operations costs for the WWTRF. The City had sufficient reserves in the Wastewater Operations Fund for this period of time until the appropriate monthly service fees could be determined. The WWTRF has been in normal operations for 12 months and the City has contracted with Hilton, Farnkopf and Hobson to complete a Wastewater Rate Study.

The rate study (Exhibit A) included all aspects of the City's wastewater operations, not only the operations of the new WWTRF but also the collections division and direct cost allocation from the Finance Department related to customer accounts. A five year budget has been prepared and reviewed by City staff. These costs are the basis for the proposed wastewater rates.

The current monthly wastewater service charges total \$17.50 per edu. These rates have been in effect since 1996. A history of the wastewater rates is shown below:

<u>Ordinance Number</u>	<u>Ordinance Date</u>	<u>Effective Date</u>	<u>Monthly Service Charge</u>	<u>Monthly Capital Fee</u>
524B	6-13-89	7-1-89	\$10.00	
		7-1-90	\$11.00	
		7-1-91	\$12.00	
574B	7-21-92	9-1-92	\$14.00	
602B	9-14-93	11-1-93	\$14.00	\$1.50
635B	4-13-96	6-1-96	\$16.00	\$1.50

On June 20, 2006 at 6:00 pm, the City held a public workshop at the McBean Park Pavilion to review the rate study and discuss alternatives. Kathleen Catton of Hilton, Farnkopf and Hobson presented the rate study and was able to display the effect of potential rates on site.

After several alternatives were viewed and discussed it was recommended that the wastewater rates be phased in over a two year period to reduce the financial impact to residents. The Wastewater Operations Fund has sufficient reserves to implement the two year phase-in period. After the first two years we anticipate normal increases related to CPI, although unknown factors could impact future rates.

The recommended monthly sewer charges per edu are as follows:

FY 2006-07	\$22.75	(\$5.25 per month increase)
FY 2007-08	\$27.98	(\$5.23 per month increase)
FY 2008-09	\$29.66	(\$1.68 per month increase)
FY 2009-10	\$30.85	(\$1.19 per month increase)
FY 2010-11	\$32.08	(\$1.23 per month increase)

The following exhibits are attached for reference. Some of the documents were presented by the consultant and others by City staff.

Exhibit B – Proposed Rates Effect on Wastewater Operations Fund Balance

Exhibit C – Comparison of Proposed Wastewater Rates with Other Communities

Exhibit D – Comparison of Customer Bills with Proposed Rates

Exhibit E – Pie Chart of FY 2006-07 Wastewater Operations Budget

Exhibit F – Pie Chart of FY 2006-07 Collections Budget

Exhibit G – Pie Chart of FY 2006-07 Treatment Budget

Exhibit H – Chart Comparing Wastewater Rates and CPI

Another component of the City's wastewater rates that was discussed at the public workshop was the monthly service fee on a "per edu" basis for multi-family residential and non-residential customers. The City has contracted with Larry Buckle to complete an evaluation of all current applicable customers in the City to determine their actual demands, in edu's, on the system. For example, a business discharging 5 edu's would pay the monthly service charge multiplied by 5, or \$113.75 using the proposed rates.

When Larry has completed his analysis and prepared detailed calculations for all current multi-family and non-residential customers, a modification to the ordinance will be drafted and presented to the Council for approval. Upon approval by City Council the effected customers will be notified of the change and a copy of the calculation submitted for their records.

OPTIONS:

The City Council may take the following actions:

1. Allow for a brief staff report.
2. Introduce the ordinance attached and waive the first reading.
3. Take no action at this time.
4. Provide staff with additional direction.

FISCAL IMPACT: The intent of the increase in wastewater rates is to recover the cost of providing sewer services to the City customers and provide reasonable reserves to the Wastewater Operations fund.

ACTION PLAN:

No.

RELATED ACTION(S): Future amendment to Section 13.12.100 of the Lincoln Municipal Code related to EDU charges for Multi-family residential and Non-residential customers.

ROSEVILLE TRANSIT

A wide disconnect between capacity and usage

Roseville City Council

SUMMARY:

The Grand Jury conducted an investigation into the operation of Roseville Transit as part of its overall responsibility to confirm that taxpayers are receiving the maximum value for tax revenues spent to support the public transportation system. The Grand Jury found there is a large disconnect between the size of the buses in use and the actual number of riders aboard them.

The Grand Jury also concludes and recommends that agencies and local governments responsible for oversight of Roseville Transit should require increases in average fare box recovery rates for the fixed routes within the systems. Currently, Roseville Transit relies upon a disproportionate amount of the total average fare box recovery from the commuter bus routes which potentially can be impacted and displaced by the expansion of light rail.

BACKGROUND:

The Grand Jury has made an inquiry into Roseville Transit. As members of the community at large, the Grand Jury believes it is an important responsibility for government and the taxpayers to provide dependable, efficient mass transit options for the public. The consensus of the community is that we all benefit tremendously from public transportation in a variety of ways:

- Decreases traffic congestion
- Decreases fossil fuel consumption
- Decreases air pollution and other environmental hazards
- Provides dependable transportation for seniors, disabled, and others

Mass transit options should continue to be encouraged and supported by the public, federal, state and local governments. The community should also demand that Roseville Transit utilize wisely and efficiently the transit authority revenue and tax support provided by its citizens as to not jeopardize the future success of area mass transit and the agency.

Roseville Transit receives tax revenue support from 0.25% of local sales tax that is collected on all retail purchases, and the 4.75% tax due on all purchases of gasoline and diesel fuel.

METHODOLOGY:

Interviews with the following officials:

1. Transportation and Bikeways Manager for the City of Roseville
2. Assistant Auditor Controller for the County of Placer
3. Public Works Manager, Transit Services for the County of Placer

Review of the following documentation:

1. Transportation Development Act (TDA)
2. Roseville Transit operating financial statements for the past three years
3. Roseville Transit ridership detail statements for the past year
4. Roseville Transit organization chart
5. Roseville Transit bus fleet detail
6. Roseville Transit current fiscal year budget

Individual review of actual random routes of Roseville Transit:

Roseville Transit is composed of three distinct busing operations. They have the fixed route system which serves the City of Roseville exclusively. The fixed route buses travel on routes described in Appendix B. They have the commuter lines, which ferry passengers back and forth to Sacramento during work days. The third component is the dial-a-ride operation. It may be utilized by telephoning a dispatcher and requesting a ride to a location within the City of Roseville.

Selected members of the Grand Jury rode the fixed route buses at various times and observed and recorded selected experiences.

1. The buses were clean, presented a nice appearance, and were operated in a courteous and professional manner.
2. The buses were on time and the fares were properly collected.
3. Ridership on some routes, such as A and B (see Appendix B) were fairly light with no more than nine passengers aboard at any given time.
4. Buses on other routes such as F and G were almost vacant of passengers.

FACTS:

The TDA mandates to all transit authority entities that benefit from the support of public tax money that they recover a pre-determined amount of their operating costs from fares collected on the routes. This amount is expressed as a percentage and varies depending on the size of the district. This percentage is referred to as the “fare box recovery”. The TDA requires a city the size of Roseville to have an average of 15% fare box recovery of their public transportation operating costs through revenues received in the fare boxes of the buses.

Fixed Routes:

The fixed route fare box recovery rate currently is 9.3% of operating costs. The subsidy per passenger is \$6.53 per ride. A fixed route bus will pick up 7.6 passengers for each hour of operation. Fixed Route buses carried 280,957 passengers last year at a cost of \$2,023,555.

Commuter Buses:

The commuter buses fare box recovery rate currently is 82.5% of operating costs. The subsidy per passenger is \$0.71. A commuter bus will pick up 13.3 riders per hour of operation. The commuter buses carried 86,170 passengers last year at a total cost of \$347,798.

Dial-a-ride:

Dial-a-ride buses carried 46,553 riders last year at a cost of \$790,451. They had a fare box recovery ratio of 12.9%. The subsidy per passenger is \$14.79. On average for each hour of operation a dial-a-ride bus will pick up 3.1 passengers.

Since the fixed route buses are the largest component of Roseville Transit and have a fare box recovery rate that is less than the desired average, we have calculated the cost savings that would have to be made if the fare box recovery rate were to be increased to 15%. As stated above, the current cost to operate the fixed route buses is \$2,023,555. They currently generate fare box revenue of \$187,890. Therefore, \$187,890. divided by \$2,023,555 equals 9.3%, which is their current fare box recovery rate. If the fixed route buses were required to recover 15% of operating costs from the fare boxes and they were able to continue to collect fare box revenues at their current levels, the costs of operations would have to decrease to \$1,252,600. That means that cost savings of almost \$800,000 would have to be achieved. If the fixed route buses were not able to reduce operating costs, then an additional \$115,600 in fare box revenues would be required.

FINDINGS:

The operating statements of the fixed route bus lines state that 7.6 passengers board the buses each operating hour. If the passengers remain on the buses for an average of 30 minutes each, then we find that each bus carries an average of 3.8 passengers. Most of the routes are plied by buses with rider ship capacity of twenty-five to twenty-nine passengers. This leads us to the conclusion that there is a wide disconnect between rider ship capacity and actual rider ship. By casual observation it is not uncommon to see a bus with no passengers, and it is uncommon to see one with more than eight or nine passengers.

As previously stated, a city the size of Roseville must recover an average of 15% of their public transportation operating costs through revenues received in the fare boxes. Roseville Transit has generally exceeded that requirement. For the past fiscal year their fare box recovery rate was 18.2% for their combined fixed routes, commuter routes and dial-a-ride bus services. This better than required recovery rate is due to the highly successful commuter routes which recover 82.5% of its operating costs from the passengers. This success is due to excellent management of the route and due to the number of commuters that take advantage of the service for their commute into Sacramento.

If for any reason the commuter route was eliminated, then the Roseville Transit would not be able to collect the revenues sufficient to satisfy the 15% recovery rate previously discussed and would not be in compliance with TDA. Recently, Folsom Stage Lines faced a similar problem. (See Appendix A)

In past years Folsom Stage Lines was able to meet the fare box recovery targets because it also ran a successful commuter bus service to Sacramento. Folsom had to cancel that service when light rail opened, because TDA funds can't be used for redundant services – bus and light rail, for instance – along a single transit corridor.

Folsom then had to apply for a two-year exemption from the fare box collection target. During this two-year exemption, Folsom must increase rider ship on the fixed routes and significantly reduce expenses in order to regain the ability to conform to TDA requirements.

CONCLUSIONS/RECOMMENDATIONS:

1. The Grand Jury recommends that Roseville Transit revisit the question of the size of the buses they utilize to insure appropriate correlation between passenger capacity and rider ship.
2. The Grand Jury recommends that the Roseville City Council demand the fare box recovery rate for the Fixed Route buses be no less than 15%.

REQUEST FOR RESPONSE (S):

- Roseville Transit
1
- Roseville City Council
2

APPENDICES:

- A. Article from the Sacramento Bee dated July 3, 2006
- B. Bus routes

Appendix A

Dial-A-Ride is even better with friends!

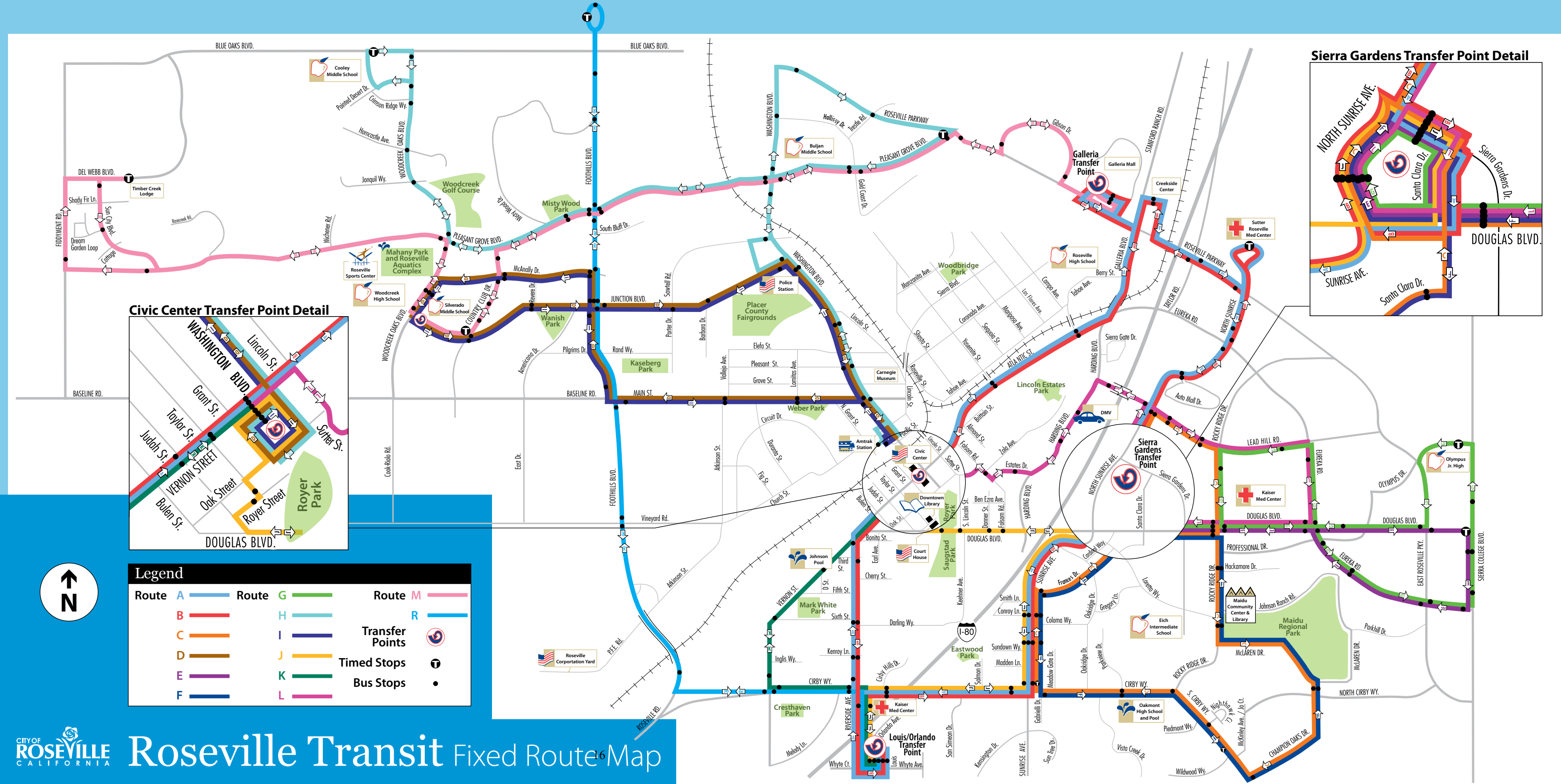


Is your senior complex or club planning a community outing? Have more fun and take the worry out of driving by using Roseville Transit Dial-A-Ride.

We can take senior groups to community outings all over the Roseville area, whether it's dining, shopping, theater or society meetings - we go there.



Information:
(916) 774-5757
www.roseville.ca.us/transit



Roseville Transit Fixed Route Map

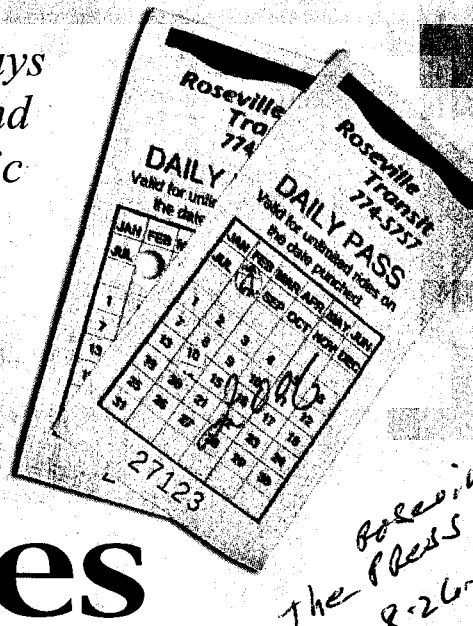
Appendix B

Gas prices have many residents looking for other ways to get around. Press-Tribune reporter Paul Cambra and his son recently took a day to explore Roseville's public transportation system. Here, Cambra shares the sights seen and observations of he and his son as local...



PAUL CAMBRA/THE PRESS-TRIBUNE

Transit Authorities



John DeRego driver of J route, stretches legs before his next departure. Below, Dolores Jones, carrying the route, has a pass with directions. In Sam Cambra at the bus stop, ready to begin journey.

PHOTOS BY P. VAN HOUTRY FOR THE PRESS-TRIBUNE

Reporter takes in the town aboard Roseville Transit

By Paul Cambra
The Press-Tribune

Accompanied by my 5-year-old son Sam, and armed with only water bottles and Goldfish crackers for sustenance, I left home at 10 a.m. for the 15-minute walk to the nearest bus stop, located right outside the front door of Sutter Roseville Medical Center on North Sunrise Avenue.

We boarded the A line around 10:30 a.m., paying the \$5.10 fare for the two of us to ride all day, and took the short hop to the Sierra Gardens transfer station, one of five located throughout town. At quarter capacity, we would find this to be a common trend throughout the day, as we usually had our choice of the 28 seats provided.

With our entire itinerary planned out a day



in advance, we figured to get on almost every line and see every corner of the city within the confines of one day. Not leaving myself enough time to get from the first bus to the

second, however, rendered my meticulous schedule obsolete and forced us to improvise our journey.

We choose the E line, which covers the mid-eastern side of Roseville. Driver Ang Miller has been steering a bus for nine years, navigating the E and the G routes seven times each on a daily basis. She says she doesn't see any noticeable increase of riders on Spaulding Air Days, when free bus service is offered to all Placer County transit providers, in an attempt to improve the region's air quality during the summer smog season.

"Most of my riders are from Maidu Village, the senior apartment complex," she said, "I know most of them by their first names."

See Journey, page 12

Journey: Took eight hours, ten buses

Continued from page A1

Miller mainly drives them to shopping errands and doctor appointments. One gentleman boards her bus three mornings a week, transfers to the J line and picks up regional transit to Cal Expo, where he bets the ponies. "It's what he does for recreation," Miller said, "And he relies on public transportation to get him there."

She points out that Roseville does not yet offer a lifetime pass, available to those 75 years and older, but with the city's typically progressive nature, she wouldn't be surprised to see them someday in the future.

Loraine Browning, a transportation department representative, said that while there is not yet a lifetime pass, the eligibility for the senior discount is five years younger than most cities, giving a substantial price break to a significant portion of the bus-riding population.

Next up was the F line, which covers the southeastern corner of the city, including the Maidu Interpretive Center and its adjoining park, library and sports courts; and then the J line to the Civic Center, where we took a walk while waiting for our next bus to arrive.

Traveling north under the railroad tracks on Washington Boulevard, we came up for air near the Amtrak/Greyhound station on Pacific Street. Accessible by two separate city bus lines, the station is conveniently located for those traveling beyond the county's border.

By the time we returned to the station, the H bus was ready to go. Heading in the direction we had just returned from, passing the Historic District, the fairgrounds and the police station along the way, the route negotiated the northernmost areas of Roseville.

Driver Stephen Diamond called out the stops in advance, reminiscent of the train conductor of days gone by. A retired tool salesman, Diamond has been driving a bus for more than two years now. After the initial three to four weeks of training, all drivers receive regular testing every three to six months. In addition to the deft driving skills required, a driver must also keep the bus safe and civilized.

"A bus driver needs to act as a mediator and a police force of one," he said. "If somebody is being unruly or causing trouble, I give them until the next stop to work it out or they get off. It happens every now and then."

It was well after lunchtime by now, so Sam pulled the cord as



Anne Odeyza and Devy Saguid wait for their bus at the Sierra Gardens transfer station.

PHOTOS BY PICO VAN HOUTRYVE/
THE PRESS-TRIBUNE

we approached the Woodcreek Oaks shopping center. After a quick meal at a taqueria, we made it back to the bus stop just in time to catch the M line, which covers the west side of town, including Sun City.

We got off to stretch our legs at Misty Wood Park on Pleasant Grove, one of a dozen parks the buses pass, then hopped back on the H line, said hello to Stephen the driver, and spoke with Mar Bickley, a regular passenger for the past four years.

"I get everywhere I need to go on Roseville Transit," Bickley said. "The drivers couldn't be any more helpful, advising on transfers and such. You definitely can't drive a car as cheaply as you can ride the bus."

On Sundays, when fixed-route buses are not running, she takes advantage of the Dial-a-Ride service offered to eligible residents. By reserving a ride at least a day in advance, riders are given a 30-minute window in which they will be picked up at the nearest possible location.

The city bus also caters to the youth with an "All Access" summer pass for only \$10, good for unlimited rides on four local transit systems. Tywon Worthy, 17, spent the summer riding the bus every Monday through Thursday from his Roseville home to Sierra College. There, he took a summer course in social psychology, storing up extra credits for his senior year at Roseville High.

"The bus does not go directly to Sierra College" he said. "At the Galleria I need to get on Placer County Transit to take me

there. But the bus is always on time, and I was able to rely on it to get me to school all summer."

As for Sam and I, a brief ride on the K line takes us to the Luis/Orlando transfer station, the southernmost spot to get off the bus and the place to catch a Regional Transit bus to Sacramento. It's nearing rush hour, and as the traffic gets thicker, the buses tend to run a bit slower.

The A line arrives a couple of minutes late, and we notice it is the first time today that the bus was not punctual. Inside, the 11 passengers reveal the weariness of the day, most of them heading home after work, most slumped low in their seats.

Riders be warned. The buses are very good about leaving on time. Try not to cut your transfer times too close, or a little afternoon traffic could throw a wrench into your travel plans.

We would soon find this out, as we decide to pass up our final stop at Sutter Hospital to ride just one more bus, making it an even 10 for the day. With the commute slowing things down, we arrive at the Sierra Gardens transfer point as our next, and final, bus is heading out without us.

A quick scan of the route times reveals no other way home than to wait for the B to come back, in an hour. Perhaps a quick jaunt on the F or the G line would have gotten us back to the station in time, but we erred on the side of caution, and waited out the time at the nearby dog park, finishing up our snacks and watching the hounds play.

FYI

What: Roseville Transportation Division
Where: 311 Vernon Street
Phone: 774-5757

Email: transportation@roseville.ca.us

Website: www.roseville.ca.us/transit

Bus schedule may be viewed online at www.roseville.ca.us/transit or picked up at city libraries, community centers and most city offices.

Bus passes may be purchased by mail or phone 774-5300 with major credit card.

Bus passes may be purchased at:

Civic Center/Finance Department

311 Vernon St.

Monday through Thursday 7:30 a.m. to 5:30 p.m.

Friday 8 a.m. to 5 p.m.

Maidu Community Center

1550 Maidu Drive

Monday through Thursday 8 a.m. to 6 p.m.

Friday 8 a.m. to 5 p.m.

Saturday 10 a.m. to 4 p.m.

Roseville Sports Center

1545 Pleasant Grove Boulevard

Monday through Friday 5:30 a.m. to 9 p.m.

Saturday and Sunday 8 a.m. to 6 p.m.

We board the B line at 5:55 p.m., greeted with a smile by the driver as if it were his first route in the morning, not his next to last. We pull the cord one last time, and get off where we first got on, a bit wearier, but feeling like we'd seen the town as best we could.

For Sam, it will not be his last ride of the day, as I lift him onto my shoulders for the short walk home after eight hours, 10 buses, countless miles and a few good memories. For \$5.10, you could do a lot worse.

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Annual Inspection of Auburn Police Department

Auburn Police Department

SUMMARY:

The Grand Jury conducted its annual inspection of the Auburn Police Department. The Department is in compliance with California Penal Code Section 919(b). A commendation letter to the Chief of Police was sent following the on-site inspection.

BACKGROUND:

Each year the Grand Jury inquires into the conditions and management of all public prisons, jails and holding areas within Placer County as required by Penal Code Section 919(b). Accordingly, the Grand Jury conducted an on-site inspection of the Auburn Police Department. As part of that inspection the Grand Jury looked into such areas as: training of staff, condition of booking area, and information available to those in custody. In addition, maintenance, security and cleanliness of the holding cell areas, prisoner clothing and the general appearance of the facilities were inspected.

METHODOLOGY:

The Auburn Chief of Police was contacted to schedule an appointment to inspect the facility and talk to some of the staff. During the visit on December 11, 2006, the Grand Jury took notes, asked questions and toured the facility.

FACTS:

California Penal Code Section 919(b) states “The Grand Jury shall inquire into the condition and management of the public prisons within the county.” This facility, located at 1215 Lincoln Way in Auburn, was previously an elementary school until the police department moved into the building in 1991. Auburn is a Type 1 facility which holds arrestees for no more than two or three hours before transporting them to the Placer County Main Jail. Type I facilities can hold prisoners for a maximum of 96 hours.

The staff consists of 26 sworn officers, 10 non-sworn staff members, and 13 volunteers. There are five sergeants on staff—one in investigations and four supervisors for the patrol officers.

The facility’s holding area has a security camera and restraints which consist of a bench and handcuffs for incoming arrestees.

During the inspection the Grand Jury was informed of the Auburn Police Department's intention to upgrade from one dispatcher to two for 24 hour coverage. Plans are underway to increase the volunteer staff from 13 to 35 in the near future.



Mobile Command Unit

Auburn Police Department was the lead agency in Placer County in acquiring a \$500,000 grant to purchase a mobile command unit. For this successful endeavor the Grand Jury presented a commendation letter to the Auburn Chief of Police. A copy of the commendation letter is attached (See Appendix A).

FINDINGS:

The Grand Jury finds the Auburn holding facility and its staff meet the requirements of the California Penal Code Section 919(b).

CONCLUSIONS/RECOMMENDATIONS:

There are no current recommendations from the Grand Jury regarding the Auburn facility. The Chief of Police and staff are doing a very good job with internal management and community outreach.

REQUEST FOR RESPONSE (S):

No responses are required.

APPENDICES:

A: Commendation letter to Auburn Chief of Police

Appendix A



PLACER COUNTY GRAND JURY

(530) 886-5200
Mailing Address:

FAX (530) 886-5201
11490 C Avenue, Auburn, CA 95603

18 January 2007

Chief Valerie Harris
Auburn Police Department
1215 Lincoln Way
Auburn, CA 95603

RE: Letter of Commendation

Chief Valerie Harris

The 2006-2007 Placer County Grand Jury recognizes your outstanding accomplishments as Chief of Police. In the course of our annual tour of the Auburn Police Department, we were most impressed with the leadership you have exhibited this past year. In particular, your lead in securing Federal funding resulting in the purchase of the Placer County Mobile Command Center is to be applauded.

Your efforts in expanding the volunteer program are indicative of your professionalism and your concern to provide additional services to the citizens of Auburn, while keeping the financial burden to a minimum.

Thank you for your service.

Sincerely,

John Wallauch
Foreman
Placer County Grand Jury

Cc: Auburn City Manager, Bob Richardson
Auburn City Council

Burton Creek Facility Annual Inspection

Placer County Sheriff's Department

SUMMARY:

The Grand Jury conducted its annual inspection of the Placer County Sheriff's Burton Creek Substation. This facility has been recognized to be inadequate for more than ten years. With the existing facility there is inadequate space to house all the essential functions of the Sheriff's administration, jail/booking facility, investigations, records and dispatch offices. Burton Creek has found it necessary to expand the facility to keep up with the growth of its department and anticipates a move to a new location in the near future. Given the condition of the facility, the Grand Jury was pleased with the administration, maintenance and staffing of this facility. The employees at Burton Creek are a credit to the community they serve.

BACKGROUND:

Each year the Grand Jury inquires into the condition and management of all public prisons/jails and holding areas within Placer County as required by Penal Code Section 919(b). Accordingly, the 2006-2007 Grand Jury conducted an on-site inspection of the Burton Creek Substation. Burton Creek is classified as a Type I jail, but currently is only used for daytime lockup and temporary detainee and court holdings. Type I jails are facilities that can hold a prisoner for up to 96 hours. Placer County has a working agreement with nearby Nevada County Jail in Truckee to hold overnight and long-term detainees that can't be transported to the main Placer County Jail at the end of the day.

As part of the inspection the Grand Jury looked into such areas as the overall operational condition of the facility, training of staff, condition of booking areas, information available to those in custody, and security. The Grand Jury inquired into the type of meals served, condition of the food and the food preparation area. Maintenance, security and cleanliness of the holding cell areas as well as inmate housing area, prisoner clothing and the general appearance of the facilities were also inspected. In addition, training and dispatch facilities were inspected.

METHODOLOGY:

Grand Jury members visiting the facility were first familiarized with the requirements of Penal Code 919(b). The members were provided with a checklist to guide them and record their observations during the facility tour.

- A visit was scheduled with the facility manager.

- During the inspection visit, questions were asked to determine how the facilities were managed, as well as the process for handling arrestees and holding of the prisoners.
- Notes were taken of where deficiencies occurred or corrective action might be needed, if any.

FACTS:

Burton Creek is classified as a Type I jail, but currently is only used for daytime lockup and temporary prisoner and court holdings. The facility consists of a jail, a courtroom and the sheriff's office. There are a total of 60 people on Burton Creek's staff, of which 45 are law enforcement personnel. Among the 45 law enforcement personnel, nine are female, including one sergeant and two of the four detectives. There is a large turnover of personnel which the management believes is directly related to the cost of living, recruitment, working conditions due to severe inclement weather and the location of the substation.

The dispatch center is a modern electronic control center, with each work station having multiple computer monitors. Dispatchers have access to all law enforcement networks, a set of site surveillance screens and direct access to the deputies in the field. Dispatch is covered by two shifts a day from 5:00 am to 9:00 pm. At the end of the second shift the dispatch responsibilities are turned over to the county's central dispatch center. It is not unusual that after 5:00 pm the two dispatchers on duty are the only personnel in the building. This makes it difficult for them to physically answer the door if someone were to call on the emergency telephone at the front door.

The Grand Jury was informed that the building complies with Americans with Disabilities Act (ADA) only because the outside perimeter has not been changed to the point that new standards must be met. However, access to the emergency phone, located outside the front door, is not readily accessible to those with disabilities or the elderly. In addition, the front concrete steps leading to the entrance of the substation were in poor condition.

Burton Creek Substation is equipped with holding areas for the booking process. The facility's booking area consists of a working desk, network access to insure proper detainee identification and a small holding cell. Prior to incarceration at the main jail in Auburn, each detainee has to be health certified by a nurse. If the detainee is to be transferred to the Nevada County Jail, they have to be health certified by a medical doctor before being accepted. Following the booking process, the arrestees are either transported to the main jail located in Auburn or held at the Nevada County Jail in Truckee. Those that can't be transported by the end of the day or have to be held overnight are transferred to the Nevada County Jail.

For those prisoners being held for a court holding or for daytime lockup, meals can be provided. Burton Creek maintains up to a month supply of flash frozen meals that can be prepared for those in custody. The facility utilizes a trustee who, aside from doing general maintenance duties, assists in defrosting and heating the meals to be served.

Juvenile arrests are a special case because Burton Creek isn't approved to handle them. In the most extreme cases, they must be transported to Placer County Juvenile Hall in Auburn.

Because this ties up manpower and is difficult for the families involved, there is an informal agreement to book and release juveniles to their parents, if possible.

Due to the current condition of the Burton Creek Substation, Placer County is in the planning stages to replace its existing facility by 2010. Management told the Grand Jury that one of the main problems confronting the building of the new facility is the small window of opportunity to build. The Tahoe area has strict guidelines regarding the seasons of the year in which construction can take place in the area, which makes building an issue.

FINDINGS:

The Grand Jury found that the Burton Creek Substation complies with the applicable Penal Code sections dealing with the processing and holding of persons in custody. As in past Grand Jury findings, Burton Creek continues to be inefficient due to inadequate facilities. The building is not ADA compliant in the sense that it is inadequate to serve the public in a safe and effective manner. The Burton Creek facility has for many years been in need of replacement due to these deficiencies. Taxpayer money continues to be wasted to patch or quick fix the problems at this facility. We found overall that the management is doing the best they can with this facility to keep it maintained and well managed.

CONCLUSIONS/RECOMMENDATIONS:

Historically, over the past ten or eleven years, the Burton Creek facility has been recognized by prior Grand Juries as being inadequate and should be replaced. Based on our inspection the Grand Jury recommends:

1. ADA accommodations should be upgraded to current standards in all public areas.
2. Provide adequate access to the outside emergency telephone for those with disabilities or the elderly.
3. Replacement of concrete steps leading to entrance of substation.
4. Improve conditions and add personnel for the dispatch center.
5. Issue update on the proposed building of a new facility by 2010.
6. The County should take a fast track approach to get the facility built and operational due to the building constraints for the Tahoe area.

These recommendations are provided in the interest of officers and arrestees safety and should be given immediate attention.

REQUEST FOR RESPONSE (S):

Placer County Board of Supervisors
Placer County Facility Services
Placer County Sheriff

ROCKLIN POLICE DEPARTMENT ANNUAL INSPECTION

ROCKLIN POLICE DEPARTMENT

SUMMARY:

The Grand Jury conducted its annual inspection of the Rocklin Police Department. The Rocklin Police Department moved into a new and larger facility, which was designed to handle its growth. The Grand Jury was pleased with the maintenance and staffing of this facility.

BACKGROUND:

Each year the Grand Jury inquires into the conditions and management of all public prisons, jails and holding areas within Placer County as required by Penal Code Section 919(b). Accordingly, the Grand Jury conducted an on-site inspection of Rocklin Police Department. As part of that inspection the Grand Jury looked into such areas as: training of staff, condition of booking area, and information available to those in custody. In addition, maintenance, security and cleanliness of the holding cell areas, prisoner clothing and the general appearance of the facilities were inspected.

METHODOLOGY

Grand Jury members visiting the facility were first familiarized with the requirements of Penal Code 919(b). The members were provided with checklists to use to guide them and record their observations during the facility tours. An inspection was scheduled with the facility manager. During the inspection visit questions were asked to determine how the facilities were managed as well as the process for handling arrestees and holding of the prisoners. Notes were taken of where deficiencies existed or corrective action might be needed.

NARRATIVE/FACTS:

The Rocklin Police Department is well equipped with adequate booking and holding areas. Each of the facility's booking areas consisted of a counter area and secured benches with handcuff restraints to be utilized for those in custody. Following the booking process, the arrestees are transported to the main jail located in Auburn.

FINDINGS:

The Grand Jury found the Rocklin Police Department complies with the applicable penal code sections dealing with the processing and holding of persons in custody. The Grand Jury commends this department for its cooperation and staff support. We found this department is well maintained, well managed and a credit to the community it serves.

CONCLUSIONS/RECOMMENDATIONS:

Based on the inspections and observations of the 2006-2007 Grand Jury, there are no comments or recommendations to be made regarding the Rocklin Police Department.

REQUEST FOR RESPONSE (S):

No responses are required.

ROSEVILLE POLICE DEPARTMENT ANNUAL INSPECTION

ROSEVILLE POLICE DEPARTMENT

SUMMARY:

The Grand Jury conducted its annual inspection of the Roseville Police Department. The Grand Jury was pleased with the maintenance and staffing of this facility. The Roseville Police Department has found it necessary to expand the facility to keep up with the growth of its department.

BACKGROUND:

Each year the Grand Jury inquires into the conditions and management of all public prisons, jails and holding areas within Placer County as required by Penal Code Section 919(b). Accordingly, the Grand Jury conducted an on-site inspection of Roseville Police Department. As part of that inspection the Grand Jury looked into such areas as training of staff, condition of booking area, information available to those in custody. In addition, maintenance, security and cleanliness of the holding cell areas, prisoner clothing and the general appearance of the facilities were inspected.

METHODOLOGY:

Grand Jury members visiting this facility were first familiarized with the requirements of Penal Code Section 919(b). The members were provided with check lists to use to guide them and record their observations during the facility tour. A scheduled visit was developed with the facility manager on an agreed visit time and date. During the inspection visit questions were asked to determine how the facilities were managed as well as the process for handling arrestees and holding of the detainees. Notes were taken of where deficiencies occurred or corrective action might be needed, if any.

NARRATIVE/FACTS:

The Roseville Police Department is well equipped with adequate holding areas for the booking process and to record the information. The facility's booking areas consisted of a counter area and secured benches with handcuff restraints to be utilized for those in custody. Following the booking process, the arrestees are transported to the main jail located in Auburn.

At the Roseville Police Department, prisoners can be held for a maximum of 72 hours in secure cells prior to being transported to the Auburn Main Jail. The Roseville Police

Department operates a Type I Jail Facility within the Roseville Police Department. The jail is staffed by correctional officers, and is open around the clock. Roseville's jail has eighteen cells that can each house up to two persons. There are also two sobering ("detox") cells that are each rated for up to five persons. The jail is certified by the California Board of Corrections to hold adult arrestees for up to 96 hours, but most arrestees are released within 24 hours. Therefore, there is generally no need for formal food preparation at this facility, but if the need arose, quick meals are available. Most arrestees are either released on bail or other release agreements, or are eventually transported to the Placer County Jail in Auburn. Juveniles (people under the age of 18) who are arrested are booked in the Roseville Police Department Jail. Most are then released to the custody of their parents. If juveniles need to be kept in secure custody, they are transported to the Placer County Juvenile Hall.

The Correctional Officers book arrestees. Booking includes obtaining the arrestee's identifying information, recording the arrest charges and other information about the arrest, obtaining fingerprints, and taking photographs. The fingerprints are transmitted to the California Department of Justice to verify the arrestee's identity and to record the arrest charges on the person's criminal history. The correctional officers also feed and supervise those in custody, and transport them periodically to the Placer County Jail.

FINDINGS:

The Grand Jury found the Roseville Police Department complies with the applicable Penal Code sections dealing with the processing and holding of persons in custody. The Grand Jury commends the department for its cooperation and staff support. We found the department is well maintained, well managed and a credit to the community it serves.

CONCLUSIONS/RECOMMENDATIONS:

Based on the inspections and observations of the Grand Jury, there are no comments or recommendations to be made regarding the Roseville Police Department.

REQUEST FOR RESPONSE (S):

No responses are required.

LINCOLN POLICE DEPARTMENT ANNUAL INSPECTION

LINCOLN POLICE DEPARTMENT

SUMMARY:

The Grand Jury conducted its annual inspection of the Lincoln Police Department. The Grand Jury was pleased with the maintenance and staffing of this facility. The Lincoln Police Department has found it necessary to expand the facility to keep up with the growth of its department and anticipates a move to a new location in the near future.

BACKGROUND:

Each year the Grand Jury inquires into the conditions and management of all public prisons, jails and holding areas within Placer County as required by Penal Code Section 919(b). Accordingly, the Grand Jury conducted an on-site inspection of Lincoln Police Department. As part of that inspection the Grand Jury looked into such areas as: training of staff, condition of booking area, and information available to those in custody. In addition, maintenance, security and cleanliness of the holding cell areas, prisoner clothing and the general appearance of the facilities were inspected.

METHODOLOGY:

Grand Jury members visiting the facility were first familiarized with the requirements of Penal Code 919(b). The members were provided with check lists to guide them and record their observations during the facility tours. An inspection was scheduled with the facility manager. During the inspection visit, questions were asked to determine how the facilities were managed as well as the process for handling arrestees and holding of the prisoners. Notes were taken of where deficiencies existed or what corrective action might be needed.

FACTS:

The Lincoln Police Department is well equipped with the exception of the holding area which is inadequate for the booking process. The facility's booking area consists of a counter area and sitting area. However, no handcuff restraints or monitoring system are utilized for those in custody. This issue was a concern to the Grand Jury members regarding officer safety.

Following the booking process the arrestees are generally transported, after a brief stay at the facility, to the main jail located in Auburn. Lincoln Police Department does not have the facility to hold the arrestees for an extended period of time, and they are transported to the main jail as soon as possible. Therefore, there is generally no need for formal food preparation in this facility.

The Lincoln Police Department anticipates moving from their current location to a larger facility within the city. This move should take place within a year.

FINDINGS:

The Grand Jury found that Lincoln Police Department complies with the applicable penal code sections dealing with the processing and holding of persons in custody. The Grand Jury commends this department for their cooperation and staff support. We found this department is to be well maintained, well managed and a credit to the community it serves.

CONCLUSIONS/RECOMMENDATIONS:

Based on the inspection and observation by the Grand Jury, the following comments or recommendations are made regarding the Lincoln Police Department:

- 1) Install wall-mounted handcuff restraint fixture to secure arrestees (See Appendices A & B).
- 2) Install a wall-mounted seating area for booking arrestees.
- 3) Install a video camera in the booking room to be monitored by dispatch.
- 4) Provide a secure door from booking room to main hallway, i.e., keyless entry.

These recommendations are provided in the interest of officers' and arrestees' safety and should be given immediate attention.

REQUEST FOR RESPONSE (S):

Chief, Lincoln Police Department

APPENDICES:

Appendix A: Grand Jury Letter, dated January 8, 2007

Appendix B: Lincoln Police Department response letter, dated January 25, 2007



Brian M. Vizzusi
Chief of Police

LINCOLN POLICE DEPARTMENT

RECEIVED

JAN 29 2007

Placer County Grand Jury

January 25, 2007

John Wallauch
Foreman
Placer County Grand Jury
11490 C Avenue
Auburn, CA. 95603

Dear Mr. Wallauch,

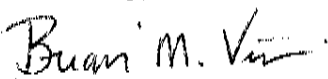
I enjoyed meeting with you and the other members of the Grand Jury a few weeks ago and giving you a tour of the Lincoln Police Department. After your visit, I received your letter dated January 8, 2007, recommending four improvements to our booking area.

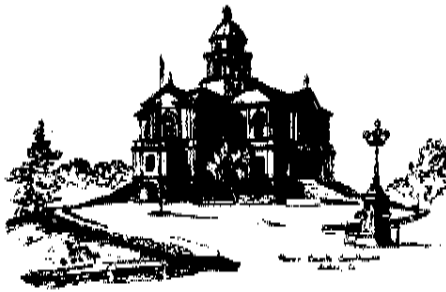
After reviewing your recommendations, I believe they are sound and will provide additional safety for our officers and staff. Most of your recommendations had already been considered, however we weighed the number of times that we actually bring arrestees in to this area, which is rare, with the cost of making these improvements, and also considered the short time that we will be at our current facility. We should start the construction of our new facility in the next few months.

We are moving forward and have already ordered the necessary items to retrofit the booking area so that all of the areas of concern will be addressed. We believe that by mid-February all of your recommendations will have been met.

Again, thank you for your interest in our department and I look forward to working with you and members of the Grand Jury in the future.

Sincerely,


Brian M. Vizzusi
Chief of Police



PLACER COUNTY GRAND JURY

(530) 889-7469
Mailing Address:

FAX (530) 889-7447
11490 C Avenue, Auburn, CA 95603

8 January 2007

Chief of Police
Lincoln Police Department
770 7th Street
Lincoln, CA 95648

Dear Chief Vizzusi,


Due to safety considerations for your employees, we believe it is imperative the below listed recommendations be brought to your attention at the earliest possible date. Therefore, we have directed this letter for your attention prior to the release of our final report:

- Need to install wall mounted hand cuff restraint fixture to secure arrestees.
- Need to install a seating area to the wall for booking arrestees.
- Install video camera in booking room to be monitored by dispatch.
- Provide a secure door from booking room to main hallway, i.e. keyless entry.

These recommendations are provided in the interest of officers and arrestees safety and should be given immediate attention.

Please notify the Grand Jury of your schedule to implement and the completion date of these recommended safety issues.

Sincerely,


John Wallaich
Foreman
Placer County Grand Jury

Annual Inspection of Placer County Main Jail

Placer County Sheriff's Department

SUMMARY:

Placer County's main jail is located in Auburn and is operated by the Sheriff's Department. This facility houses prisoners from all law enforcement agencies located in Placer County. The Grand Jury inspected the facility and determined that it is being operated in an efficient and professional manner by a well-trained staff. During the past year improvements have been made to reduce prisoner traffic in the medical unit waiting area by sending medical personnel to the holding areas. Facility construction problems as noted in the 2005-2006 Grand Jury report still exist.

BACKGROUND:

California Penal Code Section 919(b) states "The grand jury shall inquire into the condition and management of the public prisons within the county."

METHODOLOGY:

An inspection of the Placer County Main Jail located at 2775 Richardson Drive in Auburn was conducted on Thursday, November 16, 2006. The inspection team examined the general appearance of the facility with emphasis on the booking/holding area and the medical care unit.

FACTS:

The Placer County Main Jail was opened in July 1985. In 1992 construction of a 260-bed addition was completed. Construction of a state of the art housing unit of 120 beds was completed in April 2003.

The Placer County Main Jail is the only Type III facility for receiving, processing, and housing inmates for all enforcement agencies located in Placer County. A Type III facility holds only convicted or sentenced inmates up to a year. Its full capacity is 640 beds, but it generally operates at 90% occupancy. Prisoners are given a bed as soon as possible – usually within a few hours. If the facility reaches 100% capacity, the Sheriff's Department must release some prisoners early.

As reported in the 2005-2006 Grand Jury Report, open construction deficiencies from the 2003 addition remain. During this year's visit, the Grand Jury was informed that the county has begun modification to the shower units to stop water leakage into the cement walls. A lawsuit was filed against the architect, contractor and two sub-contractors on the construction project in 2005. The time frame for repairs is related to the lawsuit timeline. If the lawsuit is resolved, the Sheriff's Department will receive funds necessary to complete modification.

The re-stuccoing of outer walls of the Unit 4 Building has not been done. The plan for the 2006-2007 winter is to shrink-wrap the building as a temporary solution so it will not leak. The same problem is now developing with a wall of a recently completed building at the facility.

The Medical Unit of the Main Jail is well staffed and managed. Approximately 105 inmates seek assistance in the medical unit each day. Inmates have access to around-the-clock nurses, a medical doctor daily, a social worker daily, a psychiatrist one day a week and a dentist two days per week. The staff is open to all questions concerning their unit, and the area is well maintained. The Medical Unit routinely receives a 100% rating on their state medical inspections.

The booking/holding area is well secured with closed circuit television camera coverage and adequate restraints for unruly arrestees. The area is connected by telephone to a state interpretation line to help with non-English speaking persons. Each sobering cell can house three people and the medical unit staff checks on them every few hours.

FINDINGS:

The Grand Jury finds that the Placer County Main Jail, managed and staffed by Placer County Sheriff's personnel, meets the requirements of the California Penal Code. In discussions with staff and management, they demonstrated a high degree of motivation, knowledge of job duties, and a willingness to answer any and all questions directed to them by the Grand Jury.

The Grand Jury finds improvement in the operation and staffing levels that have allowed all open beds to be assigned. Since the jail has reached maximum capacity, the need for a new jail in the western part of the county has become a high priority.

The Grand Jury finds the construction problems regarding re-stuccoing of the Unit 4 Building and repairing the shower unit leakage remains unresolved.

The 2006-2007 Grand Jury commends the Sheriff and the jail medical staff for greatly improving the overcrowded conditions of the medical unit's waiting area since last year's inspection. An innovative approach of sending medical staff on daily sick calls to the holding areas has greatly reduced prisoner traffic in the infirmary area.

CONCLUSIONS/RECOMMENDATIONS:

The 2006-2007 Grand Jury continues to be concerned about the County's liability regarding these open construction problems. Although litigation with the contractor is ongoing, the county is at risk of having further damage occur to the building area in question, as well as to other recently constructed buildings.

- Regardless of the ongoing litigation, the Grand Jury recommends that re-stuccoing of the building and fixing the shower unit leakage be addressed immediately.

REQUEST FOR RESPONSE (S):

Placer County Executive Officer
Placer County Sheriff
Placer County Counsel

USE OF QUIMBY ACT FUNDS FOR PARK REHABILITATION

AUBURN CITY COUNCIL

SUMMARY:

The Grand Jury investigated a complaint into the alleged inappropriate use of Quimby Act funds by the Auburn City Council for rehabilitation at Recreation Park in the City of Auburn. The Grand Jury determined, based on California Government Code Section 66477, the Auburn City Council did not violate the act in the use of these funds. Upon reviewing the law, the Grand Jury found that the use of Quimby Act funds was appropriate for the clean-up and rehabilitation of Recreation Park.

BACKGROUND:

The Grand Jury received a request to investigate the possible inappropriate use of Quimby Act funds by the City of Auburn. Specifically, the complainant believed Quimby Act funds were being inappropriately used for a rehabilitation project at Recreation Park.

In June 2005, the Auburn City Council voted to transfer Quimby Act funds to Auburn Area Recreation & Park District. The complainant alleged that for a number of years Auburn Recreation District has chosen to spend its funding for items other than rehabilitation and repair.

A city clean-up community service day was scheduled September 23, 2006, to give the park a much needed facelift. The complainant believed that while the community service project had merit, the use of funds from the Quimby Act was not an appropriate funding source. The complainant believed the funds authorized from the Quimby Act were designated to replace carpet, repair decaying structures and paint. The Auburn City Council voted unanimously to support the use of these funds to help the clean-up project.

METHODOLOGY:

The Grand Jury researched California Government Code Section 66477, specifically Subsection (a) (3), as well as relevant opinions from attorneys familiar with the Quimby Act.

The Grand Jury reviewed Auburn City Council minutes of June 27, 2005, and August 28, 2006.

FACTS:

The Quimby Act became law in 1975 as a means for local governments in California to fulfill a critical role in the effort to set aside parkland and open space for recreational purposes. Cities and counties have been authorized since the passage of the Quimby Act (California Government Code Section 66477) to pass ordinances requiring that developers set aside land, donate conservation easements or pay fees for park improvements.

California Government Code Section 66477, Subsection (a)(3) states, “the land, fees or combination thereof are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision.”

The Grand Jury reviewed Auburn City Council minutes of June 27, 2005, regarding discussion of the expenditure of Quimby Act funds. By Resolution 05-81 the City Council approved the transfer of existing Quimby funds to Auburn Area Recreation and Park District (Appendix A). The Grand Jury also reviewed Auburn City Council minutes of August 28, 2006 (Appendix B) and Auburn Area Recreation and Park District’s presentation to the City Council on that same date (Appendix C).

FINDINGS:

The Grand Jury found:

- California Government Section 66477, Subsection (a) (3) allows for funds from the Quimby Act to be used for rehabilitating existing community parks.
- The Auburn City Council was justified in their decision to use Quimby Act funds to finance the clean-up and rehabilitation of Recreation Park in the City of Auburn.

CONCLUSIONS/RECOMMENDATIONS:

The Grand Jury concludes:

The Auburn City Council did not violate provisions of the Quimby Act and was justified in voting to utilize Quimby Act funds for the rehabilitation of Recreation Park in the City of Auburn.

REQUEST FOR RESPONSE (S):

No response is required.

APPENDICES:

- A. Auburn City Council minutes June 27, 2005.
- B. Auburn City Council minutes August 28, 2006.
- C. Auburn Area Recreation and Park District’s presentation to Auburn City Council August 28, 2006.

Appendix A

AUBURN CITY COUNCIL MINUTES REGULAR SESSION

June 27, 2005

Closed Session 5:30 p.m.

Regular Session 6:00 p.m.

The Regular Session of the Auburn City Council was held in the Council Chamber, City Hall at 1225 Lincoln Way, Auburn, California with Vice Mayor Mike Holmes presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL

Council Members Present: Kevin Hanley, Mike Holmes, Keith Nesbitt, Bob Snyder

Council Members Absent: Mayor Dowdin (who arrived during Item 10)

Staff Members Present: City Manager Bob Richardson
City Attorney Charles Wachob
Public Works Director Charles Clark
Finance Director Andy Heath

By **MOTION** adjourn to a Closed Session under Government Code section 54957:6 **MOTION: Snyder/Nesbitt/Without Objection**

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: David Mackowiak, Robert Richardson
Employee Organizations: All City employee groups

REPORT OUT OF CLOSED SESSION

No reportable action taken.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ ANNOUNCEMENTS

Mayor's Proclamation: Placer County SPCA 16th Annual BBQ & Blues Day
Cheryl Gibson accepted the proclamation.

Vice Mayor Holmes wished a Happy Birthday to the U.S. Navy League on its 103rd birthday.

AGENDA APPROVAL

Approved.

CONSENT CALENDAR

1. **Council Minutes**

By **MOTION** approve City Council Minutes of February 28, and May 9, 2005.

2. **Chamber of Commerce Funding Request for the 2005 Auburn Family**

Item removed by Council Member Snyder; follows Consent Calendar.

3. **Old Town Business Association Funding Request for the 6th Annual Auburn Family Night Out – Economic Development Commission Recommendation**

Item removed by resident Dan Sokol; follows Consent Calendar.

4. **Adoption of "Appropriations Limit" for Fiscal Year 2005-2006**

By **RESOLUTION 05-77** adopt the Fiscal Year 2004-06 "Appropriations Limit" for the City of Auburn in the amount of \$7,835,272.

5. **Adoption of Interim Budgetary Spending Authority for Fiscal Year 2005-06**

By **RESOLUTION 05-78** adopt interim spending authority for fiscal Year 2005-06 for all City funds pending adoption of the final Fiscal Year 2005-06 Operating and Capital Budgets.

***** End of Consent Calendar *****

By **MOTION** approve Consent Calendar as amended. **MOTION: Hanley/ Nesbitt/Approved 4:0/Absent: Dowdin**

2. **Chamber of Commerce Funding Request for the 2005 Auburn Family 4th of July Celebration-Economic Development Commission Recommendation**

Council Member Snyder said the original request from the Chamber was for \$2,000 – not \$2,500. He requested that the grant be for the original amount.

Linda Robinson of the Chamber of Commerce said the Chamber did not ask for the increased amount.

By **RESOLUTION 05-75** approve a funding grant in the amount of \$2,000 for the 2005 Auburn Family 4th of July Celebration. **MOTION: Snyder/Hanley/Approved 4:0/Absent: Dowdin**

3. **Old Town Business Association (OTBA) Funding Request for the 6th Annual Auburn Family Night Out – Economic Development Commission Recommendation**

City Manager Bob Richardson said the request for \$1,500 was made prior to the event but after the next Council meeting.

Linda Robinson of Auburn Family Night Out said the event was a great success with about 3,000 to 4,000 people in attendance. The proceeds of about \$2,000 will benefit The Child Advocates of Placer County.

Council Member Snyder said he had a problem with this request because it could be said that all or part of the City's contribution could be interpreted as going to the charity, even though the community at large benefited from the event. The City should not be giving tax dollars to charity.

Resident Dan Sokol agreed with Council Member Snyder.

By **RESOLUTION 05-76** approve a funding grant in the amount of \$1,500 for the 6th Annual Auburn Family Night Out. **MOTION: Nesbitt/Hanley/Approved 3:1/No: Snyder/Absent: Dowdin**

6. **Public Comment**

Linda Robinson, President of OTBA thanked the City and the Council for Project Auburn.

REPORTS

7. **City Council Committee Reports**

None.

COUNCIL BUSINESS

8. **Sewer Assessments to be Placed on Placer County Tax Roll**

Finance Director Andy Heath told the Council there is no change in sewer assessments from last year.

By **RESOLUTION 05-79** authorize the 2005/06 Fiscal Year Sewer Service Charges to be placed on the Placer County Tax Roll. **MOTION: Hanley/Nesbitt/Approved 4:0/Absent: Dowdin**

9. **Adoption of Capital Improvement Plan for 2005-2009**

Public Works Director Charles Clark discussed with the Council his department's work plan, various projects and their priorities.

Council Member Snyder suggested that Mr. Clark hold a public hearing in order to educate the public on how street and sidewalk improvements are made, how the projects are chosen and prioritized. This would also be an opportunity for him to get some feedback from the public.

By **RESOLUTION 05-80** adopt the Capital Improvement Plan for the City of Auburn covering a period of six years, 2005-2009. **MOTION: Snyder/Hanley/Approved 4:0/Absent: Dowdin**

10. **Auburn Recreation District (ARD) Fiscal Year 2006 Projects and Quimby Act Fund Transfer Request**

This item has been continued from the meeting of June 13, 2005. Review the Fiscal Year 2006 work plan.

Alan Grenier of ARD discussed ARD's Capital Improvement Program plans through fiscal year 2009-2010. He also summarized the District's activity and expenditures of fiscal year 2003-2004.

As of June 30, 2004 the ending fund balance was \$248,269.01. There was discussion about why all the funds were not spent. City Attorney Charles Wachob said the City can make requests of ARD but cannot require them to spend their funds.

Council Member Hanley said this might be a good time for the City to review its MOU with ARD.


Council Member Snyder said ARD should be more aggressive in spending down its funds and get projects done.


Mayor Dowdin arrived at 7:27 p.m.

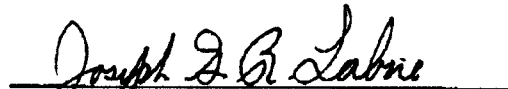
Council Member Holmes said he was not pleased with the Grand Jury Report about ARD and with the fact that ARD had not spent down all the money from the City.

By **RESOLUTION 05-81** approve the transfer of existing Quimby funds.
MOTION: Nesbitt/Hanley/Approved 4:1/No: Holmes

Adjournment at 7:38 p.m.



Mike Holmes, Vice Mayor

Alice Dowdin, Mayor

Joseph G.R. Labrie, City Clerk

Appendix B

**AUBURN CITY COUNCIL
REGULAR SESSION MINUTES**

August 28, 2006

Closed Session 5:30 p.m.

Regular Session 6:00 p.m.

The Regular Session of the Auburn City Council was held in the Council Chamber, City Hall at 1225 Lincoln Way, Auburn, California with Vice Mayor Bob Snyder presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL

Council Members Present: Kevin Hanley (arrived at 5:45 p.m.), Keith Nesbitt, Bridget Powers, Bob Snyder

Council Members Absent: Mike Holmes

Staff Members Present: City Manager Bob Richardson
City Attorney Michael Colantuono
Police Chief Valerie Harris
Fire Chief Mark D'Ambrogi
Public Works Director Jack Warren
Engineering Division Manager Bernie Schroeder
Finance Director Andy Heath
Administrative Manager Joanna Belanger
Community Development Director Will Wong
Airport Manager Jerry Martin

By **MOTION** adjourn to a closed session under Government Code Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATOR

Agency Designated Representative: David Mackowiak
Employee Organization: Firefighters Association & Police Officers Association

REPORT OUT OF CLOSED SESSION

No action taken.

PLEDGE OF ALLEGIANCE**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/
ANNOUNCEMENTS**

None.

AGENDA APPROVAL

Approved.

CONSENT CALENDAR**1. Minutes**

By **MOTION** approve City Council Minutes of July 6, July 17, July 19 and 24, 2006.

2. Rezone-580 Wall Street (Wall Street Gardens Condominiums) – File RE 05-2

By **ORDINANCE 06-6** hold a second reading by title only of an ordinance changing the zoning designation for the Wall Street Gardens Condominiums project at 580 Wall Street from Regional Commercial (C-3) to Multiple-Family Residential (R3).

Second reading by title only by City Attorney Michael Colantuono.

3. Wastewater Treatment Plant Pond 1A Lining Project

By **RESOLUTION 06-112** authorize the Director of Public Works to execute a construction contract with Aero-West Construction, Inc. for the Wastewater Treatment Plant Pond 1A Lining Project in an amount not to exceed \$407,787.60.

4. Telecommunications Commission Appointment

By **RESOLUTION 06-113** appoint Dan J. Mc Nicholas to the Telecommunications Commission to fill an unscheduled vacancy with the term ending January, 2009.

5. Appointment to Economic Development Commission

By **RESOLUTION 06-114** appoint Bud Richardson to the Economic Development Commission to serve out the term vacated by J. Randall Smith ending December, 2006.

6. **Edgewood Connector**

Item removed by Council Member Powers for further discussion; follows Consent Calendar.

***** End of Consent Calendar *****

By **MOTION** approve Consent Calendar as amended. **MOTION: Nesbitt/Hanley/Approved 4:0/Absent: Holmes**

6. **Edgewood Connector**

Public Works Director Jack Warren said that when this connector was first brought up, the estimated cost was \$50,000. The latest estimate is \$3 million. The City's share would be about \$1 million. In 1986 the City began collecting mitigation fees of \$3,905 per lot to build a second access out to Highway 49 near Edgewood. The collected mitigation fees now amount to \$192,276. Cal Trans removed the Edgewood Connector when they redesigned the Highway 49 project. For the City of Auburn this project is far too costly and unaffordable. The City should keep the funds and use them wisely elsewhere.

Council Member Hanley said he was concerned about the lack of an escape route from that area. He would like a study of alternative routes. And if there are no alternatives, perhaps the City should return the monies.

Council Member Powers agreed and said the monies should be returned.

Council Member Nesbitt said he would like to see more real involvement from the neighbors.

Council Member Snyder said City staff should provide a report on the alternatives.

By **RESOLUTION 06-115** terminate all efforts to construct the Edgewood Connector, a second access from Highway 49 to the Auburn Hills development, and use accumulated development impact fees for other access improvements to this development. **MOTION: Nesbitt/Snyder/Approved 4:0/Absent: Holmes**

7. **Public Comment**

Christine Rydell from State Senator Anestaaad's office thanked the City Council for helping to get the CHP helicopter back in Auburn. She also thanked City Manager Bob Richardson and City Attorney Michael Colantuono for all their help. She especially thanked Airport manager Jerry Martin. She presented and read a Senate resolution honoring him for his influential role in the return of the CHP helicopter to Auburn.

Council Member Snyder pointed out that Senator Anestaaad didn't need to take this on because Auburn is not even in his district. He saw the need and got involved.

Rich Munster of Canyon Drive expressed his concerns about the reconstruction of the sewer lift station across from his property. The placement of the tank and generator presents an eyesore to his property, ruins his view and may adversely affect his property value.

A neighbor also said he thought the project was misrepresented, especially the visual part. He invited the Council Members to take a look at the project.

REPORTS

8. State Theater Report – Paul Ogden

Continued to the September 25th meeting.

9. Informational Reports from Staff

A. Public Works Director Jack Warren Auburn School Park Preserve Phase 2 Project.

The contractor was unable to get a performance bond in the amount of the contract (\$3 million). The solution was to divide Phase 2 into two parts so that he could get a \$1.5 million bond for each half. However, as of tonight, there is still no contract. There should be one in the next few days (with some modifications). Because of the delays on this project, the City is at risk of losing two grants from the state of California and the Sierra cascade totaling \$715,000. They are set to expire on April 30, 2007.

Council Member Snyder said construction should be extended with longer workdays to complete the project this year.

Mr. Warren said there would be additional costs for longer workdays during winter.

B. Police Chief Valerie Harris.

The Police Chief reviewed her written report. She discussed the department's staffing, activities, grants and projects. She discussed the radio system update and the crime statistics.

10. City Council Committee Reports

Keith Nesbitt reported on the Green Print program. He said they have plans to greatly increase the tree canopy in the area.

Bridget Powers said the Endurance Capital Party will be held in October.

COUNCIL BUSINESS

11. Auburn Recreation District (ARD) Finance and Capital Projects Presentation

ARD District Administrator Kahl Muscott discussed ARD's finances and Administrative Services Manager Joe Fecko discussed the capital projects within the city limits of Auburn.

12. Auburn Park Preserve Phase 2, Amendment 4, RHAA

By **RESOLUTION 06-116** authorize the Director of Public Works to execute Amendment No. 4 to compensate RHAA for services provided for the Auburn Park Preserve Phase 2. **MOTION: Hanley/Powers/**
Approved 4:0/Absent: Holmes

ADJOURNMENT at 8:45 p.m.

Adjourn to meeting of the Auburn Urban Development Authority.

Bob Snyder, Vice Mayor

Joseph G.R. Labrie, City Clerk

Appendix C



Report to the Auburn City Council

Action Item	12
Agenda Item No.	
City Manager Approval	

To: Honorable Mayor and City Council Members
From: Robert Richardson, City Manager
Andy Heath, Administrative Services Director
Date: August 28, 2006
Subject: Auburn Recreation District Finance and Capital Projects Presentation

The Issue

Shall the City Council receive a report and provide feedback to the Auburn Recreation District ("District") regarding Quimby Act funds held for use on certain City of Auburn parks projects?

Recommended Action Requested

Receive and provide feedback to Auburn Recreation District staff regarding the attached report from the District.

Background

Through an agreement with the Auburn Recreation District, the City collects Park Mitigation Fees for the District under the auspices of the Quimby Act. Periodically, the District requests transfer of funds held to carry out the District's Capital Improvement Program, specifically as it relates to projects within the City of Auburn.

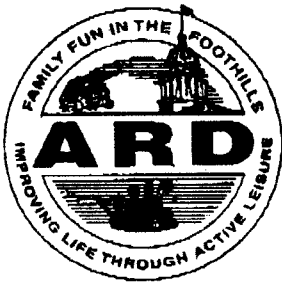
Kahl Muscott and Joe Fecko, the District's Administrator and Director of Administrative Services, respectively, will provide the City Council with a brief report on current District finances and capital projects currently being considered within the City of Auburn.

Fiscal Impact

During Fiscal Year 2005-06, the City collected approximately \$49,500 in Park Mitigation Fees.

Enclosure -- August 28, 2006 Information Memorandum from the Auburn Recreation District

ARD Finance and Capital Projects Presentation - 082806



AUBURN AREA RECREATION AND PARK DISTRICT

Honorable Mayor and City Council Members
City of Auburn
1225 Lincoln Way
Auburn, CA 95603

August 28, 2006

INFORMATION ONLY

The Auburn Recreation District ("ARD" / "District") appreciates the Auburn City Council providing an opportunity to bring it up to date with the current financial condition of the District as it relates to projects undertaken and being considered using the City's Park Mitigation Funds. During the Council Meeting, Kahl Muscott and Joe Fecko, the District's Administrator and Director of Administrative Services, respectively, will provide a brief report on the information presented below.

District Finances

The June 30, 2005 (Fiscal Year 2004-05) independent audit of ARD's financial position, a copy of which has been remitted to the City, resulted in ARD receiving an unqualified opinion on the financial statements presented. The financial statements presented depict fund balances of \$1,564,086 for the District's General Fund and \$217,389 for the City's Mitigation Fund (Exhibit A). A detailed listing of capital outlay incurred using City Mitigation funds is also provided (Exhibit B). The audit for Fiscal Year 2005-06 is expected to be completed by the end of October.

The District's Fiscal Year 2006-07 Proposed Operating Budget, which is expected to be adopted by the ARD Board at the next regularly scheduled meeting, currently estimates completing the fiscal year with an \$82,000 budget surplus. It should be mentioned that the District has adopted or is considering the following changes demonstrating fiscal responsibility that should assure its health for years to come:

- Implementation of an annual 1-2% contingency reserve policy that will continue to grow each year and will be utilized for unforeseen expenses;
- Passage of a resolution to put aside \$75,000 each fiscal year as a reserve for the replacement of equipment; and
- Consideration of a resolution to set aside funds each year for a "reserve for future capital construction".

☐ Customer Service: 123 Recreation Drive • Auburn, California 95603-5427 530 • 885-8461 FAX 530 • 823-0872
☐ District Office: 471 Maidu Drive • Auburn, California 95603-5723 530 • 885-0611 FAX 530 • 885-0703

Honorable Mayor and City Council Members
 Auburn Recreation District City Mitigation Finance and Project Overview
 August 28, 2006
 Page 2

City Mitigation Fund Projects

The District has compiled a list of City Mitigation Projects totaling over \$211,000 that are scheduled for completion during Fiscal Year 2006-07. Presently, the total amount available in the City Mitigation Trust Fund is approximately \$349,000. Kahl Muscott, ARD District Administrator will provide a brief overview of the following projects currently scheduled for completion in Fiscal Year 2006-07:

Project	Estimated Funding	Estimated Completion
Remodel Recreation Park Picnic Units (<i>Part of Project Auburn</i>)	\$ 45,000	October 2006
Parking Lot Expansion – Railhead Park	\$ 30,000	May 2007
Splash Pool Plaster and Tile	\$ 16,500	May 2007
Old Offices – Flooring and Wall Treatment	\$ 9,200	November 2006
Slurry Seal Parking Lot (<i>Part of Project Auburn</i>)	\$ 12,000	September 2006
New Border – Recreation Park Playground Unit	\$ 7,500	Spring 2007
Lights at Fairgrounds "A" (Re-installation)	\$ 18,000	Spring 2007
Mount Vernon Park	\$ 73,000	December 2006

Estimated Funding Requirements FY 2006-07: \$ 211,200

Estimated Funding Remaining @ June 30, 2007: \$ 137,800 (1)

During the presentation, the District appreciates any feedback the City Council may have regarding these projects.

District staff appreciates the opportunity to work with the City of Auburn and we look forward to a healthy relationship in the years to come.

(1) *This amount will be augmented with any receipts of mitigation funds received from the City during Fiscal Year 2006-07.*

EXHIBIT A

**AUBURN AREA RECREATION AND PARK DISTRICT
STATEMENT OF REVENUES, EXPENSES AND CHANGES IN FUND BALANCES
For the Year Ended June 30, 2005**

	General Fund	Special Revenue Funds			Totals
		City Mitigation	Youth Assistance	Dance Program	
Revenues:					
Property taxes	\$ 2,176,026	\$ -	\$ -	\$ -	\$ 2,176,026
Special assessments	180,560	18,422	-	-	196,982
Fees for services	977,013	-	-	-	977,013
Use of money and property	363,002	-	-	-	363,002
Grants	311,559	-	-	-	311,559
Contributions	2,304	-	454	-	2,758
Miscellaneous	43,341	-	-	-	43,341
Total revenues	4,053,805	18,422	454		4,070,681
Expenditures:					
Current					
Recreation	2,565,934	4,776	-	612	2,571,322
Capital Outlay	1,345,570	42,526	-	-	1,388,096
Debt Service:					
Principal	90,347	-	-	-	90,347
Interest	48,072	-	-	-	48,072
Total expenditures	4,049,923	47,302	-	612	4,097,837
Net changes in fund balances	3,882	(30,880)	454	(612)	(27,156)
Fund balances - July 1, 2004	1,560,204	248,269	3,191	1,612	1,813,276
Fund balances - June 30, 2005	\$ 1,564,086	\$ 217,389	\$ 3,645	\$ 1,000	\$ 1,786,120

**AUBURN AREA RECREATION & PARK DISTRICT
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2006**

NOTE 8: EXPENDITURES FROM CITY MITIGATION TRUST FUND

Recreation Park		
Exhaust fan project		
Materials & Contracted labor	\$ 13,029	
In-house labor	2,483	
District general fund	<u>(327)</u>	\$ 13,398
Retaining Wall		
Materials & contracted labor	10,875	
In-house labor	2,881	
District general fund	<u>(5,736)</u>	8,000
Mt. Vernon Park		
Design & Environmental		
Materials & Contracted labor	13,029	
In-house labor	534	
District general fund	<u>(327)</u>	15,000
Total Expenditures, June 30, 2006		<u>\$ 42,526</u>

Sewer Lift Station Upgrade

City of Auburn, Public Works Department

SUMMARY:

During 2006, the City of Auburn Public Works Department upgraded an existing sewer lift station on Canyon Drive which resulted in numerous complaints from residents. The City of Auburn installed a larger generator, more equipment and diesel fuel storage. As a result of residents' complaints, the Public Works Department has agreed to build a roof and wall over the lift station equipment. The City will also landscape the area to reduce sound and aesthetically improve the lift station site.

BACKGROUND:

During the past few years, the Public Works Department has focused on evaluating and upgrading each of the city's sewer lift stations to meet current regulatory standards. In 2006 the Public Works Department upgraded the existing Canyon Drive equipment. This included an emergency generator for power back-up in case of neighborhood power failure, additional storage capacity and more efficient pumps.

The Grand Jury received a complaint from residents on Canyon Drive about the upgraded sewer lift station project. The complaint included having no advance notice from the Public Works Department with specific construction plans; no engineering plans were provided; no public notice or public meeting was held; no permit was obtained for the construction. In addition, the residents complained of loud noise, strong odor, unsightly equipment and lack of landscaping. The residents had suggested to the City that the site be relocated farther down the canyon.

METHODOLOGY:

On January 15, 2007, members of the Grand Jury visited the site in order to observe and assess the visual, auditory and olfactory effects of the lift station. Photographs were taken of the newly upgraded equipment to compare with a photograph of the original lift station. (See Appendices A and B). At the site, Canyon Drive residents approached the Grand Jury members informally to discuss their concerns about the project.

On March 5, 2007, a meeting was held with the Public Works Director and the Engineering Division Manager to clarify their position on upgrading the site.

FACTS:

The Public Works Department is in the process of upgrading the twelve sewer lift stations in the City of Auburn to meet current regulatory standards. Placer County built the original lift stations in the late 1960s; however, they now belong to the City of Auburn who must maintain them. Maintenance logs are available at the Public Works Department.

The City of Auburn Public Works Department upgraded the Canyon Drive sewer lift station without obtaining a permit for the construction. No engineering plans were provided to residents. No Environmental Impact Report (EIR) was obtained. No public notice or public meeting regarding the project was given. The Department states its belief that no permit or EIR was required because the project consists of repair, maintenance and minor alteration of an existing sewer lift station. The project qualifies for a categorical exemption under the California Environmental Quality Act Section 15301 which states “Class I consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use [emphasis added] beyond that existing at the time of the lead agency’s determination. . . . Examples include but are not limited to: . . . (b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.” Absent the requirement for environmental reporting, no public notice or public meeting is mandated.

City staff first notified residents of the impending upgrade in January 2006. Subsequently, meetings were held with residents at the site on May 17 and August 17, 2006. Status reports were provided to the City Manager, Mayor and City Council on August 25 and at a public meeting on October 9, 2006. Another meeting was held with residents at City Hall on October 24, 2006.

The residents complained that the upgraded station is visually unsightly and is noisy due to the new generator and pump (It should be noted this was the same make and model as the new generator placed at the Maidu Drive Lift Station the previous year). Canyon Drive residents also noticed an unpleasant odor from the vent pipe and stated that hazardous conditions could result from diesel fuel storage and/or leakage. In their opinion, there is a lack of landscaping around the site, equipment obstructs their view and the project decreases property values in the neighborhood.

During its visit to the site, the Grand Jury did not detect any odor emanating from the pump station.

At the request of the residents, the Public Works Department relocated the equipment as far to the east as was topographically practical, eliminated a six foot tall enclosure fence around the project, and installed five foot high yellow bollards around the equipment as a safety precaution to prevent vehicles from coming in contact with the electrical service pedestal and control panel. Screening designs presented to the residents were rejected. At the residents’ request, the City cut the bollards down to three feet and allowed the residents to put a wood-

like material over the bollards to blend in with the landscape. The City also provided the residents with reflective tape to apply to the wood covers which, at the time of this report, had not yet been applied.

In November 2006, an environmental noise assessment was conducted for compliance with the City of Auburn Noise Element Performance Standards. Unmitigated generator noise exposure exceeded the established daytime limit by approximately 4 decibels at the closest residence. Noise-mitigating construction in the form of a noise barrier or partial enclosure for the generator was recommended to comply with the applicable daytime noise exposure limit. Unmitigated pump noise exposure was well below the applicable noise exposure criteria.

The new generator is equipped with a 138 gallon double-walled fuel tank with a built-in leak detection alarm system that will notify the operator in the case of a leak. The Public Works Department stated that diesel fuel is much safer than natural gas due to its higher ignition temperature.

The new equipment that has been installed will double the holding capacity of the lift station, provide emergency power in the event of loss of PG&E power and provide up to date control equipment. These enhancements will greatly reduce the risk of a sewer overflow of the lift station. The generator is equipped with an automatic valve to shut off the equipment when power is restored.

The aesthetics of the newly upgraded lift station are still a work in progress at this time. The Public Works Department has installed a masonry block wall to enclose the equipment from view. The residents had final input on color choice. With the installation of this wall, the noise level will also be brought into compliance with the City of Auburn's ordinance. A roof and landscaping will be added soon to complete the project.

FINDINGS:

The Grand Jury found that no permit, no EIR, and no public hearing or notice was needed because it was not new construction but an upgrade of existing equipment.

The Grand Jury found no violation of the California Environmental Quality Act.

The Grand Jury found while the Public Works Department did not involve residents in project pre-planning, they did go to great lengths to accommodate the Canyon Drive residents after the fact.

The Grand Jury found in January the Public Works Department should have applied reflective tape to the wood-like bollard covers constructed by residents.

CONCLUSIONS/RECOMMENDATIONS:

It is recommended that the Public Works Department and the City of Auburn work closely with affected residents in future upgrades of sewer lift stations.

It is recommended that the Public Works Department immediately apply reflective tape to the bollard covers.

REQUEST FOR RESPONSE (S):

City of Auburn Department of Public Works

APPENDICES:

- A. Photograph of original Canyon Drive lift station
- B. Photograph of upgraded Canyon Drive lift station

Appendix A



Appendix B



COUNTY AUDITOR REPORT

Auditor/Controller's Office

SUMMARY:

The Grand Jury has looked into the operations of the Office of the Auditor/Controller for the County of Placer. An examination was also made of accounting procedures and the ability of this office to fulfill its responsibilities to other county departments and to the county's citizens and taxpayers. The procedures and capabilities of the outside auditors to perform their functions were reviewed. The Grand Jury has concluded that this office and its outside auditors are highly qualified to perform their assigned tasks.

The Grand Jury has also found it to be in the county's best interest to form an Audit Committee. That committee would oversee the functions of the county's external auditors.

BACKGROUND:

In conformance with California's Penal Code Section 925, the Placer County Grand Jury looked into the county's financial accounting practices.

The Grand Jury also looked to find the necessary levels of competency for the outside auditors monitoring selected results of the Auditor/Controller's Office.

METHODOLOGY:

The Grand Jury:

- 1) Interviewed the Auditor/Controller and selected members of her staff regarding their operations, responsibilities and reporting procedures.
- 2) Reviewed the 2006-2007 Placer County Budget.
- 3) Reviewed the county's comprehensive annual financial report for the fiscal year ended June 30, 2006.
- 4) Interviewed the accounting firm, Gilbert Associates, Inc. who performed the state mandated independent audit of the County, the County Redevelopment Agency, the County Mosquito Abatement District and the First 5 Placer Children and Families Commission (a component unit of the County of Placer). We also interviewed individual members of the firm, Gilbert Associates, Inc., who conducted an audit of the operations of this office. The Grand Jury also inquired about how, and to whom, these external auditors reported their findings.

NARRATIVE/FACTS:

- 1) The assets of the county exceeded liabilities at the close of fiscal year 2005-2006 by \$719,599,000.
- 2) The county's total net assets increased by \$88,000,000 in the fiscal year 2005-2006. This compares to an increase of \$74,000,000 for the prior fiscal year.
- 3) The financial statements of the County of Placer have been reviewed by the firm of Gilbert Associates, Inc., Certified Public Accountant's and Advisors. They find the statements to be in conformance with accepted accounting standards established by the Government of the United States.
- 4) For the fifth consecutive year a "Certificate of Achievement for Excellence in Financial Reporting" has been awarded by the Government Finance Officers' Association to the County of Placer for its comprehensive annual financial reports. (See Appendix A)
- 5) Peer review reports are prepared every three years by the American Institute of CPAs. One was last prepared for Gilbert Associates, Inc. for the year ended December 31, 2004. They were found to be conforming to professional standards. (See Appendix B)
- 6) The county currently does not have an established audit committee

FINDINGS:

The Placer County Auditor/Controller's Office provides the County with financial information in a timely, clear and manageable fashion.

The external auditors for the county report their findings directly to the Board of Supervisors and the Grand Jury. However, these entities currently are not set up as a true oversight function for the annual county audits performed by outside auditors.

CONCLUSIONS/RECOMMENDATIONS:

We commend the Auditor/Controller's Office for continued outstanding performance of their duties.

We recommend the Board of Supervisors establish an Audit Committee for the county. This committee should be comprised of five individuals including:

- A member of the Grand Jury
- The County Auditor Controller
- The County Executive Officer
- The County Treasurer
- Member of the Board of Supervisors

The Audit Committee's immediate responsibility would be to review the independent auditors' report of the Annual County Audit. The Board of Supervisors could establish other responsibilities as they see appropriate.

REQUEST FOR RESPONSE (S):

County Executive Officer.

APPENDICES:

- A. Certificate of Achievement for County of Placer.
- B. Peer review report for Gilbert Associates, Inc.

Appendix A

Certificate of Achievement for Excellence in Financial Reporting

Presented to

County of Placer
California

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended
June 30, 2005

A Certificate of Achievement for Excellence in Financial Reporting is presented by the Government Finance Officers Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial reports (CAFRs) achieve the highest standards in government accounting and financial reporting.



Carla E. Fudge

President

Jeffrey R. Emen

Executive Director

Appendix B

APPENDIX I – PEER REVIEW REPORT



MANN WEITZ & ASSOCIATES L.L.C.

Certified Public Accountants and Consultants
108 Wilmot Road Deerfield, IL 60015
PHONE 847.267.3400 FAX 847.267.3401
Email: info@mannweitz.com

May 25, 2005

To the Shareholders
Gilbert Associates, Inc.

We have reviewed the system of quality control for the accounting and auditing practice of Gilbert Associates, Inc. (the firm) in effect for the year ended December 31, 2004. A system of quality control encompasses the firm's organizational structure, the policies adopted and procedures established to provide it with reasonable assurance of conforming with professional standards. The elements of quality control are described in the Statements on Quality Control Standards issued by the American Institute of CPAs (AICPA). The firm is responsible for designing a system of quality control and complying with it to provide the firm reasonable assurance of conforming with professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance with its system of quality control based on our review.

Our review was conducted in accordance with standards established by the Peer Review Board of the AICPA. During our review, we read required representations from the firm, interviewed firm personnel and obtained an understanding of the nature of the firm's accounting and auditing practice, and the design of the firm's system of quality control sufficient to assess the risks implicit in its practice. Based on our assessments, we selected engagements and administrative files to test for conformity with professional standards and compliance with the firm's system of quality control. The engagements selected represented a reasonable cross-section of the firm's accounting and auditing practice with emphasis on higher-risk engagements. (The engagements selected included among others, an audit of Employee Benefit Plans and engagements performed under Government Auditing Standards.) Prior to concluding the review, we reassessed the adequacy of the scope of the peer review procedures and met with firm management to discuss the results of our review. We believe that the procedures we performed provide a reasonable basis for our opinion.

In performing our review, we obtained an understanding of the system of quality control for the firm's accounting and auditing practice. In addition, we tested compliance with the firm's quality control policies and procedures to the extent we considered appropriate. These tests covered the application of the firm's policies and procedures on selected engagements. Our review was based on selected tests; therefore it would not necessarily detect all weaknesses in the system of quality control or all instances of noncompliance with it. There are inherent limitations in the effectiveness of any system of quality control and therefore noncompliance with the system of quality control may occur and not be detected. Projection of any evaluation of a system of quality control to future periods is subject to the risk that the system of quality control may become inadequate because of changes in conditions, or because the degree of compliance with the policies or procedures may deteriorate.

In our opinion, the system of quality control for the accounting and auditing practice of Gilbert Associates, Inc. in effect for the year ended December 31, 2004, has been designed to meet the requirements of the quality control standards for an accounting and auditing practice established by the AICPA and was complied with during the year then ended to provide the firm with reasonable assurance of conforming with professional standards.

Mann-Weitz & Associates L.L.C.

Juvenile Detention Facility

Placer County Probation Department

SUMMARY:

The Grand Jury conducted its annual inspection of the Placer County Juvenile Detention Facility and found it to be well maintained and staffed.

BACKGROUND: (Purpose of the report)

Penal Code Section 919(b) states: “The Grand Jury shall inquire into the condition and management of the public prisons within the county.” The Juvenile Detention Facility (JDF) is operated by the County Probation Department and is subject to inspection by the State Juvenile Justice and Delinquency Prevention Commission. The State Board of Corrections inspects the facility to determine compliance with Title XV Section 8 of the California Code of Regulations which establishes minimum standards for lawfully detaining minors.¹ The Grand Jury inspects the Juvenile Detention Facility as part of its responsibility to determine the facility and its occupants are in good condition. Local authorities also conduct health and fire safety inspections.

METHODOLOGY:

Members of the Grand Jury reviewed a juvenile facility checklist prior to taking a tour of the facility on February 22, 2007. Questions were asked of the JDF Superintendent, the person monitoring the closed circuit cameras, and a guard in the minimum security units during the course of the tour.

FACTS:

At the time of the Grand Jury visit, there were 45 detainees - 30 were male and 15 female. The JDF has a self-imposed limit of 50 detainees even though there are 75 beds in the facility. This limit is based on the regular staffing level of 7 people during the day. If the limit is exceeded, electronic monitoring and home suspension are used. The facility has four units but currently uses three. Gang members from the two predominant gangs in Placer

¹http://www/bdcorr/ca.gov/regulations/2001_regulations_and_guidelines/guidelines/t_15_juv_guidelines_01/pdf_files/introduction.pdf

County are separated into different units. The third unit is for maximum security. All of the units have both male and female prisoners.

A health screening is done by the nurse on check-in for communicable diseases, and the results are kept confidential from the staff. If a juvenile is intoxicated, ill, or under the influence of drugs, they are not checked into the JDF, but taken to the hospital. Detainees can make an appointment to talk to the nurse whenever they want. Suitable clothing, towels, bedding and toiletries are issued on check-in. The average length of stay is 14 to 21 days. Toiletries are reissued each week. All of the items seen in the storage room as well as those items seen in detainee rooms appeared clean and in good repair.

School is conducted from approximately 8 a.m. to 1:50 p.m. in open rooms in the three wings currently in operation. There are two classrooms in the general population—one for older and repeat offenders and one for younger and females. The maximum security unit also has a classroom. In addition to the regular school curriculum, there is aggression replacement training and substance abuse training.

Both positive and negative disciplines are used. Positive reinforcement is used through a point system, with levels one through five, allowing detainees to earn special privileges for good behavior. They can earn extra food, use the library, stay up one hour later or watch movies. Negative discipline is issued by retaining juveniles for one to two hours alone in a room. JDF no longer locks them in their rooms after the Correction Standards Authority cited it in a report. Juveniles can also lose late night privileges.

The superintendent approximated 40 of the 45 prisoners are repeat offenders. The JDF does not track recidivism. No suicides and no escapes from the facility have occurred within the last few years. Currently there are only surveillance cameras for the perimeter of the building and the booking area.

In the indoor recreation room, about 20% of the roof is open. This is not due to disrepair, but was architecturally designed that way. It was raining heavily on the day of the Grand Jury visit, and the room was quite cold with a large amount of standing water. Juveniles must walk through this area and the standing water to reach the dining hall. The superintendent does not attribute any injuries or illnesses to this design.

FINDINGS:

The JDF is a well-run facility with a very experienced and knowledgeable superintendent. His staff appeared experienced, calm and caring while understanding the risks and limitations of the detainees.

Recidivism is the tendency to relapse into criminal behavior. The recidivism rate is high. A new system is planned that will have the capability to track re-arrest statistics. There is also a need for a plan to reduce the recidivism rate.

It is possible the open roof in the recreation room presents a health and safety hazard.

CONCLUSIONS/RECOMMENDATIONS:

1. The Placer County Grand Jury recommends the Criminal Justice Policy Committee and the Juvenile Justice/Delinquency Commission initiate a special study with the objective to formulate, implement and monitor a plan that will reduce the recidivism rate in the Placer County Juvenile Detention Facility. The plan should set both short-term and long-term goals for recidivism rates and establish consistent, dependable ways to measure recidivism. These organizations should add other members to the organization, if deemed necessary to accomplish the objective. The first draft plan should be in place by December 1, 2007.
2. For the safety of both staff and detainees, the Grand Jury recommends surveillance cameras be placed within the facility to better monitor activities. Some obvious camera locations are in the dining hall, open air recreation room and classrooms.
3. The drainage problem in the open air recreation room should be corrected. No one should have to walk through standing water to get to the dining hall.

REQUEST FOR RESPONSE (S):

Criminal Justice Policy Committee Chairman
Juvenile Justice/Delinquency Commission Chairman
Placer County Chief Probation Officer
Superintendent of Placer County Juvenile Detention Facility
Director of Placer County Facilities

Recommendation 1
Recommendation 1
Recommendation 1, 2, 3
Recommendation 1, 2, 3
Recommendation 3

Data Rich, Information Poor

Community Development Resource Agency

SUMMARY:

The Placer County Community Development Resource Agency purchased a land use management system. Four years and one million dollars later, this system still has not been fully implemented.

Placer County purchased a software package to expedite its land use management practices in 2003, with the system going live early in 2004. It was reported to the Grand Jury that between the purchase price, ongoing software maintenance and user education, the county has invested over a million dollars in this solution. To date, the Building Department has successfully implemented the record keeping function, but few other features are used. County management insists the delay is due to a complicated interface that makes the system difficult to use. The system doesn't support Placer's multi-layered permit fee structure, and until recently, an ambiguous county ordinance. While the Community Development Resource Agency and Information Technology (IT) have invested hundreds of hours in user training and process modification, there is scant evidence that Placer County is getting value received for its money.

BACKGROUND:

After a detailed system search during 2002 and a comprehensive request for proposal (RFP), the Placer County Community Development Resource Agency selected the KIVA land use management software system from Accela Software of Dublin, California. On February 18, 2003, the Board of Supervisors approved the purchase of this system. The memorandum to the supervisors stated the automated system would assist in the management and processing of land development, code enforcement, and permit issuing functions, as well as provide a tool for the public to request services, apply for permits and obtain status on existing permits. (See Appendix I). The system was purchased for over \$325,000 early in 2003 and activated after extensive testing in April 2004. Information Technology estimated the county has spent more than \$750,000 to implement the system.

The software system is difficult to use, proprietary and thus cannot be modified. The package has forced the Community Development Resource Agency to change processes and procedures, perform scheduling and fee calculation manually, and then enter the resulting data into the land use database. The underlying software is capable of sophisticated communication and information sharing among multiple county departments, but so far it has only been used for simple record keeping.

METHODOLOGY:

Members of the Grand Jury:

- Reviewed the 2005-2006 Grand Jury report on the Building Department and responses
- Interviewed the County Building Official and his IT Support Supervisor
- Received a background overview from the Placer County Community Development Agency Director
- Observed first hand Building Department front desk operations
- Reviewed copies of management summary reports and implementation strategy
- Interviewed mid-level managers in county departments nominally using the land use management system

FACTS:

The Accela KIVA business solution is a packaged application that supports land use management, zoning, permitting, regulatory processes and information. KIVA can support multiple community development services divisions and align the regulatory processes of building, fire protection and prevention, public works, inspections, and licensing, as well as feed data to the Assessor's office. Placer County IT sits on the user review panel that helps Accela set priority for new functions for future KIVA releases.

Placer County dubbed its new system "PLUS" for Placier Land Use System. Placer County purchased this software package to expedite its land use management practices in 2003, with the system going live early in 2004. It was reported to the Grand Jury that between the purchase price, ongoing software maintenance and user education, the county has invested over a million dollars in this solution.

Though PLUS was activated in 2004, it still has not been fully implemented even within the Building Department. For example, modified permit fees must be calculated using the Excel software program and then manually entered into PLUS, the system will not recalculate fees. Computing the county's multi-tiered commercial permit fees is beyond PLUS's capability. Thus commercial fees must always be calculated through the Excel model spreadsheet. Both IT and technical staff commented that accurate fee calculation for commercial buildings continues to be a major concern.

Senior management reported that mid-level managers audit each permit fee; they don't. A line manager suggested that Accounting was performing the audit; no internal or external audit of this department has been done in at least the past two years. A previous Grand Jury recommended that "A workable Quality Assurance plan should be developed. . ." for fee calculation. This recommendation was bypassed in both the Community Development Resource Agency Director's and the County Executive Officer's responses. (Appendices A, B, and C)

During this investigation, no one in either the Building Department or IT was able to generate a PLUS report to calculate how much in permit fees the county had collected and

how accurate those fees were. It was explained to the Grand Jury that as the law had been ambiguous in places, some latitude was allowed for individual technicians to interpret the fee schedule, and PLUS only had the numbers plugged into it with no internal calculation capability of its own. Based on a Grand Jury request, a 5% sampling of permits issued by the Building Department within the last nine months was selected. (See Appendix D) One representative page of the gibberish report generated in response may be found in Appendix E. Neither the Chief Building Official nor his IT Support Supervisor who actually generated it could decipher the report.

In response to a second similar request for information (Appendix F), the Grand Jury received a comprehensive view of PLUS's capabilities with screen shots, planned implementations, cost breakouts, etc., reflecting actual Placer County property activity. It was thus proven that within the county staff there is the data and the skill to use PLUS effectively. (Appendix G)

The Chief Building Official claimed PLUS is not user friendly and does not currently meet the needs of the department. Since August 2006, IT has held a series of fast track training sessions for the users. A PLUS Usability Committee has been holding biweekly meetings focused on implementation issues within PLUS, but there continue to be unresolved issues with no definitive resolution scheduled.

Members of this year's Grand Jury interviewed the Environmental Health Director and the Director of Public Works (DPW.) The questions for both were basically the same: they were asked if their departments used PLUS and what training their groups were given on the PLUS system. Both department heads were aware of the program, and they confirmed they did not utilize it as much as they would like because the information was not complete. Environmental Health used other systems to generate reports. Public Works is familiar with the system but does not really see it working for DPW. The DPW Director has not been trained on PLUS. There has been no formal staff training for PLUS. Any training for PLUS would have come from a fellow employee. Both Directors said there was a procedure set up by the Board of Supervisors to aid in all training needs, with a formal counter staff training session Wednesdays between 8 and 9am. These Wednesday training sessions covered a wide range of topics including PLUS. There is a plan for a special room to be set up for specific computer training including PLUS. However, no firm training schedule has been set.



Picture from Building Dept

Our interviews revealed the Building Department is attempting to change their processes to accommodate the system. Forms have been redesigned and processes changed to suit PLUS. But according to one manager whose staff has to deal with PLUS, the departments most reliant on PLUS data—the Building Department, the Department of Public Works,

Engineering & Surveying, Environmental Health, and Planning—all use paper forms to generate a paper trail. Individuals don't trust the automated system, and there is no push from senior management to speed up the transition to automated processes. PLUS has the capability to process inspection requests; however, this has not been implemented. The system has the ability to track the process from plan check through final inspection signoff; this has not been implemented. If the system were fully functional, detailed or summary management control reports, such as those the Grand Jury requested, could be obtained on demand.

On the positive side, courtesy of PLUS, the county is building a comprehensive Oracle™ database for land use management within Placer County. It is possible to access this data outside of PLUS using common, secure computer technology for inquiries or updating the data. (See the very brief comment on SQL in the Glossary.) This would simplify *ad hoc* report analysis or enable IT to streamline existing land use management processes. At the moment there are no plans to take advantage of this technology—potential users do not understand it exists, and IT is not out leading the charge.

The Building Department worked with County Counsel to draft a revised permit fee ordinance to:

1. Clarify and simplify several confusing fee specification sections in the current ordinance,
2. Raise the permit fees annually based on the California Construction Cost Index without requiring an annual fee ordinance.

The Placer County Board of Supervisors approved this ordinance in March 2007.

There is a process in place for a permit holder to request a refund if he has been overcharged. The process, however, requires the requestor to specify exactly what was miscalculated and demand a refund rather than PLUS identifying the error and automatically correcting it. (Appendix H) There appears to be no process in place to collect underbilling. In fact, if a client abandons a permit request, the county may do all of the work and only collect part of the Plan Check fees.

The State of California is slated to move away from the Uniform Building Code in 2008 and adopt the International Building Code. (The building department was previously using a fee schedule unchanged since the 2001 Uniform Building Code was published.) The building department plans to enlist a consulting firm to assist them in reviewing their current fees, study their work processes and develop a fee structure consistent with state law. The Building Department hopes this will allow them to calculate and later audit fees within the PLUS system.

FINDINGS:

Placer County has spent over a million dollars on PLUS in the last four years. PLUS has not been fully implemented. In as much as the system has been installed since April 2004, it is distressing to report that functions supporting fee calculation, the inspection management module, the interface with other departments, accounting and tracking functions have not been activated.

Placer County represented to the Board of Supervisors that the automated tracking system would link county departments and give them the ability to efficiently retrieve, utilize and apply the data regarding the status of land development projects.

The building department is currently using an Excel spreadsheet to calculate fees; they then input the fees into PLUS. Accurate fee calculation for commercial buildings continues to be a real concern.

The building department knows that California will change to the International Building Code in 2008. The department did not reflect this in the ordinance it pushed through the Board of Supervisors. It does not have a detailed plan in place to deal with this.

There appears to be a major disconnect between senior management's rosy view of the staff's training and skilled use of PLUS's capabilities and what's actually happening in the affected departments.

There is sense of urgency missing at all levels of county staff to fully exploit PLUS.

CONCLUSIONS/RECOMMENDATIONS:

1. The Grand Jury recommends that the Agency Director's office coordinate
 - A formal training program for all direct PLUS users to be completed by year-end 2007,
 - An overview program for all other staff members in the agency,
 - A management awareness strategy to maximize the county's benefits from the data and functions underlying the PLUS system.
2. A Quality Control Program for permit fee handling must be implemented. A policy should be adopted for the automatic return or collection of identified permit fee calculation mistakes.
3. There is an opportunity for Placer County to expand its land use services either by integrating existing communications and data across all departments or by purchasing additional functional service modules. This will require that PLUS users have access to all of its functions and that Community Development Services develop a long-range strategy to optimize its value to the county.
4. An external audit of this department is overdue and highly recommended.
5. Placer County must take advantage of IT's position on the Accela Users' Council to push Accela to implement a more robust fee calculation subsystem and get the KIVA software prepped for changes mandated by the International Building Code.

REQUEST FOR RESPONSE (S):

- County Building Officer Recommendations 1, 2, 3, 5
- IT Support Supervisor Recommendations 2, 3, 5
- Community Development Agency Director Recommendations 1, 2, 3, 4, 5
- County Auditor Recommendations 4

GLOSSARY:

PLUS Placer Land Use System

SQL SQL (pronounced "ess-que-el") stands for Structured Query Language. SQL is used to communicate with a database. According to the American National Standards Institute (ANSI), it is the standard language for relational database management systems. SQL statements are used to perform tasks such as update data on a database, or retrieve data from a database.

APPENDICES:

- A. 2005-2006 Placer County Grand Jury Report "Findings from Investigation of the Building Department," Recommendations
- B. John Marin's memo to Judge Kearney, August 1, 2006, in response to the 2005-2006 Placer County Grand Jury Report "Findings from Investigation of the Building Department," Recommendations
- C. Thomas Miller' memo to Judge Kearney, August 1, 2006, in response to the 2005-2006 Placer County Grand Jury Report "Findings from Investigation of the Building Department," Recommendations
- D. Grand Jury letter to Bob Marino, dated 2/15/2007, requesting additional information
- E. Sample report page received from Marino in response to 2/15/2007 request
- F. Grand Jury letter to John Marin, dated 4/05/2007, requesting additional information
- G. Sample report pages received from Marin in response to 4/05/07 request
- H. Request for Permit Fee Refund form
- I. Memorandum to the Board of Supervisors requesting approval for purchase of automated permits tracking system

Appendix A

FINDINGS:

The Grand Jury finds:

1. No internal audit procedures exist to assure the consistency and accuracy of building plan inspections and no internal audit procedure exists to verify applicants are subject to the same building permit charges as listed in the Building Department informational handout.
2. Management seems unaware that staff is divided into two factions, and that poor morale exists for some employees. Unless it is controlled, low morale can lead to more pervasive personnel dissatisfaction.

RECOMMENDATIONS:

There is a genuine effort by members of the Department to operate at a high level of proficiency and serve the citizens of Placer County in a quality manner. The Grand Jury recommends:

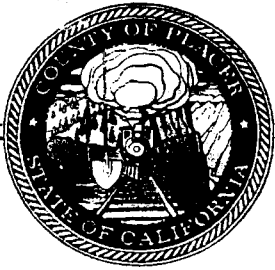
1. The Building Department should adopt internal procedures and controls providing for the consistent and accurate inspection of building plans, and assuring all building permits are calculated at the rate shown in the Department informational handouts. Should the department management believe that exceptions to the percentage calculation rate are needed, then a formal policy change should be adopted and regulations approved.
2. Management must become aware that staff is divided and poor morale exists for some.
3. Management should adopt a more open communications environment.
4. A "fast-track" schedule should be implemented for training staff on the new automated "PLUS" system, to reduce errors and improving account auditing.
5. A workable Quality Assurance plan should be developed for the auditing of internal activities to assure work accuracy and calculation of building permit fee charges. This plan should include periodic external audits.
6. A follow-up policy should be adopted for the return or collection of moneys when permit errors are found.

REQUEST FOR RESPONSE (S):

Responses are requested from the following:

- | | |
|--|-----------------------------|
| • Building Department Chief | Recommendations 1 through 6 |
| • Community Development Resources Agency | Recommendations 1, 4 and 6 |
| • County Chief Executive Officer | Recommendations 1, 4 and 6 |

Appendix B



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

August 1, 2006

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

SEP 20 2006
JOHN MENDES
EXECUTIVE OFFICER & CLERK
By _____ Deputy

Subject: Grand Jury – Final Report 2005-2006 – CDRA

Dear Judge Kearney:

I am pleased to respond to the findings and recommendations contained in the FY 2005-2006 Final Report of the Grand Jury related to the Community Development Resource Agency. I have reviewed and considered the information contained in the Report. Following are my responses:

Recommendation:

1. The Building Department should adopt internal procedures and controls providing for the consistent and accurate inspection of building plans, and assuring all building permits are calculated at the rate shown in the Department informational handouts. Should the department management believe that exceptions to the percentage calculation rate are needed, then a formal policy change should be adopted and regulations approved.

Response:

The recommendation has been implemented. The Chief Building Official has indicated that all staff have been provided County ordinance information to consistently and accurately calculate building permit fees at a rate consistent with all handout material. Any exception to the percentage calculation rates will not be allowed unless formal policy changes occur.

Recommendation:

4. A "fast-track" schedule should be implemented for training staff on the new automated "PLUS" system to reduce errors and improve account auditing.

Response:

The recommendation has been implemented. A training schedule has been implemented prior to the occupancy of the new Community Development Resource Center building. All staff assigned to front counter duties have received PLUS system training. The Board of Supervisors has approved closure of the front counter on Wednesdays from 8:00 AM – 9:00 AM to complete training for all PLUS users and to provide consistent training for all users.

Recommendation:

6. A follow-up policy should be adopted for the return or collection of monies when permit errors are found.

Response:

The recommendation has not yet been implemented but it will be implemented in the future with the development of, or revisions to, a formal policy and procedures manual by the Building Department. Specifically, a follow-up policy for the return of monies when permit errors are found will include an immediate contact with the applicant. Upon determination that an error has occurred, a fourteen day return policy will be in effect.

Sincerely,



John Marin, Agency Director

cc: Placer County Grand Jury
Tom Miller, County Executive Officer

Appendix C



COUNTY OF PLACER

THOMAS M. MILLER
County Executive Officer

RECEIVED

SEP 12 2006

**OFFICE OF
COUNTY EXECUTIVE**

RICHARD E. COLWELL, Chief Assistant CEO

175 Fulweiler Avenue / Auburn, California 95603
TELEPHONE: 530/889-4545
Fax: 530/889-4023
rcolwell@placer.ca.gov

August 8, 2006

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

AUG 30 2006

JOHN MENDES
EXECUTIVE OFFICER & CLERK

By _____ Deputy

Dear Judge Kearney:

I am pleased to submit my response to the findings and recommendations contained in the FY 2005-06 Final Report of the Grand Jury related to the Placer County Building Department. I have carefully considered the information and conclusions formulated by the Grand Jury concerning internal procedures related to building plans, permits and fee calculations and training and follow-up procedures for return of building fees under certain conditions. I have also reviewed the responses of the Director of Community Development and Resource Agency and the Chief Building Official to better understand the concerns expressed by the Grand Jury. My response follows below:

Placer County Building Department

Recommendation 1:

The Building Department should adopt internal procedures and controls providing for the consistent and accurate inspection of building plans, and assuring all building permits are calculated at the rate shown in the Department informational handouts. Should the department management believe that exceptions to the percentage calculation rate are needed, then a formal policy change should be adopted and regulations approved.

Response:

The recommendation has been implemented. As indicated from the responses of the Director of the Community Development and Resource Agency and the Chief Building Official, department staff has the necessary information and regulations to make accurate and consistent fee calculations for building permits and other fees. Any change in a fee, or calculation of a fee will require a change to the formal policy (ordinance) before this change may occur and staff will be advised of any such changes.

Recommendation 4:

A "fast-track" schedule should be implemented for training staff on the new automated "PLUS" system, to reduce errors and improving account auditing.

Response:

The recommendation has been implemented. As indicated from the response of the Director of the Community Development and Resource Agency and the Chief Building Official, all staff currently assigned to the public counter has completed the PLUS training. In addition, a formal and regular training schedule has been adopted for other users of the system and for training staff on updates or new features of the system.

Recommendation 6:

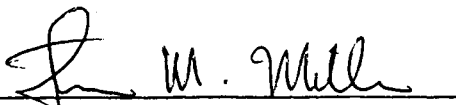
A follow-up policy should be adopted for the return or collection of moneys when permit errors are found.

Response:

The recommendation has not yet been implemented but it will be implemented in the future. The Director of the Community Development and Resource Agency has indicated that the Chief Building Official will begin development of a formal policy and procedures manual that will include provisions for handling refunds or collection of additional fees when errors are discovered in the calculation or application of permit fees.

Sincerely:

COUNTY OF PLACER



Thomas M. Miller,
County Executive Officer

August 8th, 2006
Date

TM:MP:bh

Appendix D



PLACER COUNTY GRAND JURY

(530) 886-5200
Mailing Address:

FAX (530) 886-5201
11490 C Avenue, Auburn, CA 95603

15 February 2007

Bob Martino
Placer County Building Department
3091 County Center Drive, # 160
Auburn, CA 95603

Dear Mr. Martino,

Thank you for spending the time to bring Bethany Overhoff and Bob Zimmerman up to speed on the current status of the building and planning permit process. As I know they explained, Bethany and Bob were following up on last year's Grand Jury report recommendation that a formal refund process be put in place in the case where a client is overcharged.

Based on their notes of your meeting, it was quite obvious that fee calculation, as currently defined, left wide discretion in the hands of your planning staff with the result that similar projects may incur different permit fees. As we now understand it, the permit fees are actually computed in an Excel spreadsheet and then manually entered into PLUS.

The Building Department apparently has a process in place to refund fees that may have been overcharged. However, refunds are based on a demand system in which the client has to discover he has been overcharged, rather than being driven by a Quality Assurance program in which your office discovers the discrepancy. Such a Quality Control process would enable the Building Department to aggressively correct both under and over charges.

The Grand Jury therefore requests copies of all pertinent QC reports generated over the last nine months, including details on refunds of overcharged fees and collections from any undercharged permits. If the fee collection system has been audited either as a stand alone item or as a component of the overall Building Departments workflow process within the last two years, a copy of that report would be useful in our continuing analysis of the permit fee process.

The Placer County Building Department purchased the "PLUS" system approximately four years ago. What are the functions of this system? What formal training did staff receive? How comfortable are staff interacting with the PLUS system? What are the functions currently in use? What functions are in plan to be implemented and what is the timeframe for each implementation?

The Grand Jury requests your response by March 1, 2007.

Thank you for your attention to this matter.

Sincerely,

John Wallauch
Foreman
Placer County Grand Jury

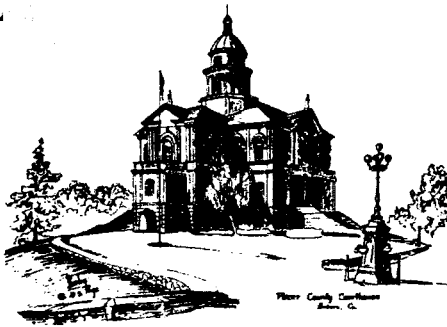
Cc: John Marin

Appendix E

Pp. 116

BMAS	05 12407	DTRDRYCREK	\$4,239.00	06-28-06	\$354,805.38	0
BRAA	22775.06	BL-PCRES	\$87.59	07-05-06	\$33,659.97	
BSFD	22389.06	BL-PCRES	\$984.85	06-22-06	\$202,172.56	
BRAA	22189.06	BL-RESSEIS	\$11.77	07-17-06	\$117,698.40	
BRAA	22189.06	BL-REC	\$20.00	07-17-06	\$117,698.40	
BRAA	22189.06	BL-ENRG45	\$95.00	07-17-06	\$117,698.40	
BRAA	22189.06	BL-RESPLM	\$117.70	07-17-06	\$117,698.40	
BRAA	22189.06	BL-RESMEC	\$117.70	07-17-06	\$117,698.40	
BRAA	22189.06	BL-RESELEC	\$117.70	07-17-06	\$117,698.40	
BRAA	22189.06	BL-RESBLDG	\$411.94	07-17-06	\$117,698.40	
BSFD	22509.06	DTRPEAST	\$2,836.00	06-30-06	\$156,918.00	
BCAA	22980.06	BL-PCCOM	\$300.00	07-21-06	\$111,800.00	
TSUP	120744.06	BL-MECH	\$19.00	07-12-06	\$0.00	
TSUP	120744.06	BL-REC	\$20.00	07-12-06	\$0.00	
TRAA	120859.06	BL-PCRES	\$52.50	07-12-06	\$15,000.00	
BGAR	22485.06	BL-PCRES	\$82.50	06-15-06	\$22,076.00	1,000
BSFD	22389.06	BL-REC	\$20.00	07-14-06	\$202,172.56	
BSFD	22389.06	BL-RESSEIS	\$20.22	07-14-06	\$202,172.56	
BSFD	22389.06	BL-GRADING	\$35.00	07-14-06	\$202,172.56	
BSFD	22389.06	BL-DRIVEWA	\$85.00	07-14-06	\$202,172.56	
BSFD	22389.06	BL-ENRG95	\$95.00	07-14-06	\$202,172.56	
BSFD	22389.06	BL-RESPLM	\$202.17	07-14-06	\$202,172.56	
BSFD	22389.06	BL-RESMEC	\$202.17	07-14-06	\$202,172.56	
BSFD	22389.06	BL-RESELEC	\$202.17	07-14-06	\$202,172.56	
BSFD	22389.06	BL-RESBLDG	\$430.35	07-14-06	\$202,172.56	
BSFD	22389.06	BL-FAC	\$3,177.07	07-14-06	\$202,172.56	
BSFD	22389.06	PARK	\$3,480.00	07-14-06	\$202,172.56	
TRAA	120859.06	BL-RESSEIS	\$1.50	07-21-06	\$15,000.00	
TRAA	120859.06	BL-REC	\$20.00	07-21-06	\$15,000.00	
TRAA	120859.06	BL-RESBLDG	\$190.00	07-21-06	\$15,000.00	
BRAA	22651.06	BL-RESSEIS	\$6.78	07-11-06	\$67,846.72	
BRAA	22651.06	BL-REC	\$20.00	07-11-06	\$67,846.72	
BRAA	22651.06	BL-RESELEC	\$67.85	07-11-06	\$67,846.72	
BRAA	22651.06	BL-RESMEC	\$67.85	07-11-06	\$67,846.72	
BRAA	22651.06	BL-RESPLM	\$67.85	07-11-06	\$67,846.72	
BRAA	22651.06	BL-ENRG45	\$95.00	07-11-06	\$67,846.72	
BRAA	22651.06	BL-RESBLDG	\$240.96	07-11-06	\$67,846.72	
BRAA	22632.06	BL-RESSEIS	\$1.65	06-29-06	\$16,450.56	
BRAA	22632.06	BL-RESMEC	\$16.45	06-29-06	\$16,450.56	
BRAA	22632.06	BL-RESPLM	\$16.45	06-29-06	\$16,450.56	
BRAA	22632.06	BL-RESELEC	\$16.45	06-29-06	\$16,450.56	
BRAA	22632.06	BL-REC	\$20.00	06-29-06	\$16,450.56	
BRAA	22632.06	BL-ENRG45	\$45.00	06-29-06	\$16,450.56	
BRAA	22632.06	BL-RESBLDG	\$57.58	06-29-06	\$16,450.56	
BMHP	23038.06	BL-MHFSEIS	\$1.00	08-18-06	\$120,000.00	
BMHP	23038.06	BL-REC	\$20.00	08-18-06	\$120,000.00	
BMHP	23038.06	BL-GRADING	\$35.00	08-18-06	\$120,000.00	
BMHP	23038.06	BL-DRIVEWA	\$85.00	08-18-06	\$120,000.00	
BMHP	23038.06	BL-MHF	\$310.00	08-18-06	\$120,000.00	
BMHP	23038.06	BL-FACSEC	\$2,315.42	08-18-06	\$120,000.00	
BMHP	23038.06	PARK	\$2,640.00	08-18-06	\$120,000.00	
TRAA	121005.06	BL-RESSEIS	\$0.62	08-28-06	\$6,200.00	
TRAA	121005.06	BL-REC	\$20.00	08-28-06	\$6,200.00	
TRAA	121005.06	BL-RESBLDG	\$190.00	08-28-06	\$6,200.00	
BRAA	23428.06	BL-PCRES	\$92.75	08-28-06	\$26,500.00	
BSFD	22509.06	BL-RESSEIS	\$15.69	07-25-06	\$156,918.00	
BSFD	22509.06	BL-REC	\$20.00	07-25-06	\$156,918.00	
BSFD	22509.06	BL-GRADING	\$35.00	07-25-06	\$156,918.00	
BSFD	22509.06	BL-DRIVEWA	\$85.00	07-25-06	\$156,918.00	

Appendix F



PLACER COUNTY GRAND JURY

(530) 886-5200
Mailing Address:

FAX (530) 886-5201
11490 C Avenue, Auburn, CA 95603

5 April 2007

John Marin
Agency Director
County of Placer County
Community Development Resource Agency


Dear Mr. Marin,

The Grand Jury requests the following information:

- The entire cost of the PLUS System to date (including software, implementation, training, etc.).
- A summary of all functions available within the PLUS System.
- What functions are currently installed and activated?
- A sample of reports for those functions currently in general use or planned for near-term availability.
- A copy of the original 2003 Request for Proposal for the PLUS System.

It is critical that we have this information no later than April 12, 2007.

Sincerely,


John Wallaugh
Foreman
Placer County Grand Jury

cc: Bob Martino

Appendix G



County of Placer

PERMIT SUMMARY

Permit # BCOM 22645-06 NEW COMMERCIAL BUILDING APN 017-210-040-000

Date Received 22-JUN-2006 Date Expires 09-FEB-2009 Date Issued 09-FEB-2007 By

Project Location 1415 NICHOLS DR ROCKLIN
CINCINNATI SUNSET IND AREA

Project Description Industrial building
5183 SQ FT WAREHOUSE S1, III-N
147 SQ FT ENTRANCE CANOPY V-N
5330 FIRE SPRINKLERS

Subdivision 1.9 AC PAR G PMOR 17 123

Owner

WEST VALLEY CONSTRUCTION COMPANY INC
580 MCGLINCEY LN

CAMPBELL CA 95008

Phone # NA

Applicant

CATALYST CONSTRUCTION
1495 NICHOLS DRIVE

ROCKLIN CA 95765

Phone # 916 761-2972

Contractor

CATALYST CONSTRUCTION
1495 NICHOLS DRIVE
ROCKLIN CA 95765

Phone #: 916 626-3344

License #: 827701

Placer County Review

PLAN CHECK ONLY-ENVIRONMENTAL HEALTH	APPROVED	DELLIS	22-JUN-2006	
PLAN CHECK ONLY-DPW	COMPLETE	SBROGDON	22-JUN-2006	
PLAN CHECK ONLY-SPECIAL DISTRICTS	COMPLETE	SBROGDON	22-JUN-2006	
PLAN CHECK ONLY-PLANNING	APPROVED	LROSASCO	26-JUN-2006	
PLANNING DEPT REVIEW	COMPLETE	LROSASCO	26-JUN-2006	
AIR POLLUTION CONTROL DISTRICT REVIEW	COMPLETE	ZLEE	11-AUG-2006	
PLAN CHECK-BUILDING DEPARTMENT	APPROVED	MLANGFOR	11-JAN-2007	PC COMPLETE RTI PLANS AT CUBICLE
FIRE DISTRICT REVIEW	COMPLETE	BEICHOLTZ	30-JAN-2007	
ENVIRONMENTAL HEALTH REVIEW	COMPLETE	JPOIESZ	05-FEB-2007	ALL EH ISSUES HAVE BEEN SATISFIED FOR FINAL OF PROJECT SP#14321
SPECIAL DISTRICTS REVIEW	COMPLETE	SFITZHUGH	06-FEB-2007	
DPW REVIEW	COMPLETE	SFITZHUGH	06-FEB-2007	TL FEES PAID - SEE COMMENTS

Required Inspections

ENVIRONMENTAL HEALTH FINAL	JPOIESZ	PASS	05-FEB-2007
SPECIAL DISTRICTS FINAL	LHAMMETT		

Placer County Requirements

ENG THIS PERMIT REQUIRES A SEWER FINAL BY THE BUILDING INSPECTOR.

Zoning INP-Dc

General Plan Designation Industrial
Community Plan Area Sunset Industrial Area Plan
Tax Rate Area 088013

Geographic Information

SPHERE OF INFLUENCE	ROSEVILLE
PLANNING TEAM AREA	WEST TEAM
HIGH SCHOOL DISTRICT	ROSEVILLE JOINT UNION HIGH SCHOOL DISTRI
COLLEGE DISTRICT	SIERRA COLLEGE TA-3
TREE ORDINANCE AREAS	AREA 2
BOARD OF SUPERVISORS DISTRICTS	BOARD OF SUPERVISORS DIST 2



County of Placer

PERMIT SUMMARY

TRAFFIC FEE DISTRICT
CALTRANS ROW (2 MILES)
REDEVELOPMENT AREAS
ENVIRONMENTAL HEALTH DISTRICTS
AIR BASINS
SCHOOL DISTRICT
FIRE DISTRICTS

SUNSET
HIGHWAY 65 ROW
SUNSET INDUSTRIAL
DISTRICT022
SACRAMENTO VALLEY
ROSEVILLE CITY ELEMENTARY SCHOOL DIST.
SUNSET INDUSTRIAL FIRE PROTECTION DIST.



Receipts Detail

DATE RANGE: 05-APR-2007 12:00:00 AM TO 06-APR-2007 11:59:00 PM

DEPARTMENT: BLD

Friday April 6 2007 10:58 AM

Page: 1 of 7

Section F - Receipt Summary:

Receipt	Fee Object	Payment	Description	Paid	Received	Time Acnt	Account	Ref. Code	Cashier
7646	BSUP 25475.07	CHECK	1552	20.00			704 06 BAPaub	BL-REC	DERICKSON
		CHECK	1552	40.00			704 06 BAPaub	BL-ELEC40	DERICKSON
Receipt Total:				\$60.00	\$60.00				
7648	TCOM	CHECK	000355	7,716.46			FACILITY	BL-FACRET	BMARTINO
	121480.06	CHECK	000355	2,355.17			FACILITY	BL-FACRET	BMARTINO
		CHECK	000355	376.00			FACILITY	BL-FACRET	BMARTINO
		CHECK	000355	89,697.62			FACILITY	BL-FACOFF	BMARTINO
		CHECK	000355	8,213.81			FACILITY	BL-FACWRH	BMARTINO
		CHECK	000355	55,810.88			FACILITY	BL-FACMFD	BMARTINO
		CHECK	000355	9,306.00			FACILITY	BL-FACRET	BMARTINO
Receipt Total:				\$173,475.94	\$173,475.94				
7649	TSFD	CHECK	538	1,289.00				BL-PCRES	BJOHNSTON
	T121780.07	CHECK	538	85.00			704 06 BAPaub	BL-DRIVEWA	BJOHNSTON
Receipt Total:				\$1,374.00	\$1,374.00				
7650	BRAA	CHECK	1000	415.82			PC SPLIT	BL-PCRES	DERICKSON
	T25464.07								
Receipt Total:				\$415.82	\$415.82				
7651	TCOM	CHECK	CHECK	11,709.30			CONST SPLIT	BL-COMBLDG	BMARTINO
	121480.06								
Receipt Total:				\$11,709.30	\$11,709.30				
7653	TCOM	CHECK	000355	3,345.51			704 06 BAPaub	BL-COMELEC	BMARTINO
	121480.06								
Receipt Total:				\$3,345.51	\$3,345.51				
7654	BRAA 25083.07	CHECK	1537	8.44			711 06 310100 2	BL-RESSEIS	CCOLE
		CHECK	1537	20.00			704 06 BAPaub	BL-REC	CCOLE
		CHECK	1537	84.35			704 06 BAPaub	BL-RESPLM	CCOLE
		CHECK	1537	342.15			CONST SPLIT	BL-RESBLDG	CCOLE
		CHECK	1537	95.00			704 06 BAPaub	BL-ENRG95	CCOLE
		CHECK	1537	84.35			704 06 BAPaub	BL-RESELEC	CCOLE
		CHECK	1537	84.35			704 06 BAPaub	BL-RESMEC	CCOLE
Receipt Total:				\$718.64	\$718.64				
7655	TCOM	CHECK	CHECK	836.63			704 06 BAPaub	BL-COMENRG	BMARTINO
	121480.06								
Receipt Total:				\$836.63	\$836.63				
7656	TCOM	CHECK	CHECK	836.63			704 06 BAPaub	BL-COMHC	BMARTINO
	121480.06								
Receipt Total:				\$836.63	\$836.63				
7657	TCOM	CHECK	CHECK	3,345.51			704 06 BAPaub	BL-COMMEC	BMARTINO

Appendix H

**PLACER COUNTY BUILDING DEPARTMENT
PERMIT FEE REIMBURSEMENT
WORKSHEET**

APPLICANT'S NAME:			
MAILING ADDRESS:			
PC/PERMIT #	ISSUED:	FEES PD	REC#
REASON FOR REFUND:			

BREAKDOWN OF FEES

FEE TYPE	AMOUNT PAID	LESS TWENTY %	NON-REFUND ABLE	REFUND TOTAL	OCA	PCA	OBJ LEVEL 3	ACCTG USE ONLY
PLAN CHECK					BLDAUB/TAH	PLANC	6755	03 SPLIT
BLDG PERMIT					BLDAUB/TAH		6755	BLDG 88.2%
PLUMBING					BLDAUB/TAH	PLBGB	6763	PLNG 7.4%
ELECTRICAL					BLDAUB/TAH	ELECB	6763	
MECHANICAL					BLDAUB/TAH	MECHB	6763	
ENERGY					BLDAUB/TAH	ENERG	6763	DPW 4.4%
PARK					BLDAUB/TAH	MHPBD	6755	
DRIVEWAY					BLDAUB/TAH	DWYBD	8764	04 SPLIT
RECORDS FEE					BLDAUB/TAH	RSHBD	8764	BLDG 90.7%
SEISMIC FEE					310100			
GRADING					005502		6755	PLNG 5.8%
FACILITY FEE					365540		8745	
SUB-TOTAL								DPW 3.5%
		TOTAL REFUND						

CALCULATED BY:	S. VEIGA	DATE:	
-----------------------	-----------------	--------------	--

"I, the undersigned, state: That the above claim and the items as therein set out are true and correct; that no part thereof has been heretofore paid, and that the same is presented within one year after the last item thereof has accrued.

I declare under penalty of perjury that the foregoing is true and correct.

Signature	Date	October 2, 2006
Comments:		

Appendix I

PLACER COUNTY
ADMINISTRATIVE SERVICES DEPARTMENT
MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Richard E. Colwell, Director of Administrative Services *RE Colwell*
Clark L. Moots, Deputy Director of Information Technology *CM*

DATE: February 18, 2003

SUBJECT: Recommendation to approve the purchase of a Countywide Permits Tracking System from Accela, lease of required hardware; and authorization for the Purchasing Manager to execute the related contractual documents at a system cost of \$1,025,000 and a contingency of \$152,000.

ACTION REQUESTED

Approve the purchase of a Countywide Permits Tracking System from Accela, lease of required hardware; and authorize the Purchasing Manager to execute the related contractual documents at a system cost of \$1,025,000 and a contingency of \$152,000.

BACKGROUND

The tracking of land use applications, permits, inspections, and code enforcement in the County Departments of Planning, Building, Public Works, Facility Services, HHS - Environmental Health, Agriculture, and the Air Pollution Control District is currently done mostly in a manual mode. The County desires to improve productivity and customer service by implementing an automated and integrated Countywide Permits Tracking System that will assist in the management and processing of land development, code enforcement, and permit issuing functions, as well as provide a tool for the public to request services, apply for permits, and obtain status on existing permits.

FISCAL IMPACT

Funds for the acquisition of the Countywide Permits Tracking System have been budgeted and are available within the Countywide Systems Fund.

RECOMMENDATIONS

Approve the purchase of a Countywide Permits Tracking System from Accela, lease of required hardware; and authorize the Purchasing Manager to execute the related contractual documents at a system cost of \$1,025,000 and a contingency of \$152,000.

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PLACER COUNTY
ADMINISTRATIVE SERVICES DEPARTMENT

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Richard E. Colwell, Director of Administrative Services *REC-2003*
Clark L. Moots, Deputy Director of Information Technology *CLM*

DATE: February 18, 2003

SUBJECT: Recommendation to approve the purchase of a Countywide Permits Tracking System from Accela, lease of required hardware; and authorization for the Purchasing Manager to execute the related contractual documents at a system cost of \$1,025,000 and a contingency of \$152,000.

ACTION REQUESTED

Approve the purchase of a Countywide Permits Tracking System from Accela, lease of required hardware; and authorize the Purchasing Manager to execute the related contractual documents at a system cost of \$1,025,000 and a contingency of \$152,000.

BACKGROUND

A Request for Proposal (RFP) for a Countywide Permits Tracking System was released in January 2002 to provide a detailed review of the current vendor permit system offerings and their pricing against the system requirements developed by the County. All responding vendor proposals were assessed and the highest scoring vendors were interviewed by the Permits Steering Committee which consists of participants from the County Executive Office, Planning, Building, Public Works, Facility Services, Health & Human Services – Environmental Health, Agriculture, Air Pollution Control, and Administrative Services. Based upon the proposal assessments, subsequent site visits, and reference checks, the Steering Committee has recommended that the vendor, Accela (who represents the Kiva Permits System) be selected to implement a Countywide Permits Tracking System for Placer County.

The County Land Development Departments (Planning, Building, Public Works, Facility Services, HHS – Environmental Health, Agriculture, and the Air Pollution Control District) currently track applications, permits, inspections, and code enforcement by filing handwritten forms and in some areas also transcribing the handwritten information from the forms into electronic spreadsheets or simple databases on stand-alone computer workstations. There is an ever-increasing need to retrieve information by County staff and to provide information to the public in an accurate and timely fashion. However, the lack of an automated system linking all of the County Departments' information and approvals

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impedes the County's ability to efficiently retrieve, utilize, and apply the data regarding the status of land development projects.

PROBLEM STATEMENT

The number and the complexity of permits have increased along with the growth of the County. The existing manual system is no longer adequate to allow the necessary access to, and control over, the high volume of important data. In order to improve productivity and customer service, the County land development and code enforcement organizations require an automated and integrated system that will allow them to manage land development, code enforcement, and permit issuing functions, more efficiently and effectively than is currently available.

The building industry, the real estate industry, and a well-informed and actively involved community are increasingly requesting better access to the permit application process and to the approvals for construction. Currently all inquiries from the public must be made by phone or in person. Requests are handled manually by staff members who hand search the files or who may know the status. The process is the same when a County department or another government agency needs permit data, as in the case of refunding fees or tracking permits issued in the various redevelopment zones. As a result of the current manual processes, County service is impacted by slow access to, and dissemination of, inspection results, as well as the lack of tools to make inspections and code enforcement processes more efficient.

The Countywide Permits Tracking System RFP process was initiated to evaluate and review the current permits system solutions available throughout the country and to identify a system that met all of the County's identified requirements. The County Information Technology Steering Committee has given this system a high priority. The Permits Steering Committee, which consists of participants from the County Executive Office, the County Land Development Departments, and Administrative Services, has recommended that the vendor, Accela (who represents the Kiva Permits System) be selected to implement a Countywide Permits Tracking System for Placer County.

With the successful implementation of an automated Countywide Permits Tracking System, the County will be able to:

- Track applications and permits in a timely manner
- Track conditions of approval from County departments and related agencies (e.g., the Flood Control District for flood zones)
- Track inspections and implement controls to control the approval of a project out of sequence with conditions of approval
- Automate fee calculations and payment methods
- Track securities/bonds
- Effectively manage inter- and intra-departmental approvals and "holds"

|||

- Integrate land development and infrastructure information with other automated County systems, such as the Geographic Information System, the Property Tax System, and the Business License System
- Provide public access to appropriate permit information via the Internet

The Countywide Permits Tracking System will run on the County's enterprise wide high speed data network and will be accessible by all County departments. For example, inquiry access to the system by the Assessor's Office and delinquent tax verification by the Treasurer-Tax Collector will be available. The system will be accessible by authorized County staff and the public and will include security features to ensure that only authorized individuals enter or view specific information.

Your Board's approval is required to implement the Countywide Permits Tracking System.

FISCAL IMPACT

There will be a one-time cost of \$1,025,000, as well as a contingency of \$152,000, and annual ongoing costs of \$141,000. Funds for the acquisition of the Countywide Permits Tracking System have been budgeted and are available within the Countywide Systems Fund.

Respectfully submitted,

Richard E. Colwell

Richard E. Colwell
Director of Administrative Services

Clark L. Moots

Clark L. Moots
Deputy Director of Information Technology

Attachments

Cc: Holly Heinzen, Deputy County Executive Officer
Fred Yeager, Director of Planning
Ed Jenkins, Chief Building Official
Tim Hackworth, Director of Department of Public Works
Tom Miller, Director of Facility Services
Raymond Merz, Director of Health and Human Services
Christine Turner, Agricultural Commissioner
Tom Christoft, Director of Air Pollution Control
Janice Reynolds-Gage, Senior Management Analyst
Sandy Hammock, Administrative Services Officer
Dave Seward, Procurement Manager

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Reporting Child Abuse

Placer County Office of Education, Special Education Adult, Child & Community Emergency Services System

SUMMARY:

An employee of Placer County Office of Education (PCOE) believes that PCOE employees are being discouraged from filing child abuse reports. All PCOE employees are required by law to report any suspected child abuse. The Grand Jury found several process and procedure improvements that could be implemented to better assist PCOE employees in filing these mandatory reports. The Grand Jury may become involved in criminal activity associated with child abuse and child abuse reporting if requested do so by the District Attorney, but criminal activity is not pursued independently by the Grand Jury.

BACKGROUND:

The most severely disabled children in Placer County are enrolled in the Placer County Office of Education (PCOE) Special Education Program (Program).

All PCOE staff members are mandatory reporters of child abuse. This means they are required by law to submit a report to an agency designated by the county or a police department as outlined in California Penal Code 11165.9 and 11166. Placer County has designated Adult, Child & Community Emergency Services System (ACCESS), which is part of Health & Human Services (HHS), as the agency to receive mandated reports of child abuse. Criminal charges, if any, are pursued by the District Attorney.

This Grand Jury investigation was initiated by a complaint from a PCOE employee who believes PCOE administration discourages PCOE employees from filing child abuse reports. The Grand Jury did not investigate the possibility that child abuse or neglect took place. Child abuse and neglect is a criminal offense, and it is the responsibility of the District Attorney to investigate, and not appropriate for Grand Jury investigation.

This Grand Jury conducted an investigation to determine if the proper procedures and processes are in place at PCOE and at ACCESS in the event of reported child abuse or neglect.

METHODOLOGY:

- Interviewed the PCOE Director of Special Education (Director)
- Interviewed the complainant
- Interviewed the Program Manager for ACCESS, whose staff investigated child abuse or neglect

- Interviewed a Program Supervisor in ACCESS who investigated the reported child abuse and neglect reported by the complainant
- Consulted Placer County Counsel and Placer County District Attorney
- Reviewed the contents of the PCOE Special Education Staff Handbook, 2006-2007

NARRATIVE/FACTS:

Approximately 576 children who reside in Placer County are enrolled in the Program. The Program is conducted at approximately 50 sites across the county. Three of these sites in the Newcastle area are exclusively devoted to the Program. The other sites are on various public school campuses with mainstream students in public school districts. The budget for the Program for the 2006-2007 school year is approximately \$20 million. For this same school year, local school districts are billed approximately \$7 million for the shortfall in funds provided to PCOE by the state and federal governments. There are approximately 235 people employed by the Program. Some of these employees are certificated, such as teachers, psychologists and nurses. The rest of the employees are classified, such as aides, occupational therapists, interpreters, Braille translators, secretaries and administration.

Children ranging from birth to 22 years old qualify for the Program by meeting federal guidelines. Adherence to these guidelines is determined by testing administered by the Program or by medical diagnosis. These students are the most severely disabled children in the county. The Program operates on the same five day a week and six hour a day schedule as the schools in the districts. Some students in the Program are bused to and from school via the regular school district busing system. Many students are transported to and from school in Medi-cabs. The most severely disabled students are transported by commercial cab companies. Each student has an individual educational plan (IEP), mandated by the state, that must be developed jointly by PCOE staff and the parent(s). Besides being assigned to a class with teachers and aides, students are assigned a PCOE nurse. For example, one student currently in the program may require up to 31 medical procedures during the school day.

California Penal Code Section 11166 states "... a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect." All PCOE staff members are mandatory reporters of child abuse. This means they are required by law to submit a report to a designated county agency or police department if they suspect child abuse. California Penal Code Section 11170(b) (2) requires the agency receiving the mandatory report to "inform the person required or authorized to report the results of the investigation and of any action the agency is taking with regard to the child or family". Placer County has designated ACCESS within the HHS department as the county agency to receive child abuse reports.

PCOE conducts annual child abuse reporting review sessions for existing employees. PCOE Special Education has a Staff Handbook for new employees, which documents child abuse reporting processes. The Staff Handbook has a half page and an appendix dedicated to reporting child abuse and neglect. It also contains references to more detailed information that an employee could explore on their own. Neither the appendix nor the half page are

referenced in the Table of Contents for the handbook. The half page on Child Abuse and Neglect starts with the following phrase: “Placer County, County Counsel, Health & Human Services Division.” There is no explanation of why these agencies are listed. The Procedure on this page lists a step that says to file a written “Suspected Child Abuse Report.” There is no reference to where that report form can be found. The Appendix is a document written by the California Attorney General’s office on Child Abuse & Neglect Reporting Law. It states that the mandatory reporter shall send the report to “welfare or probation department, police or sheriff and to the District Attorney.”

In the case of an emergency, ACCESS deals with child abuse. Ongoing cases of child abuse can be handled differently by different groups in HHS. The HHS organization has approximately 1,000 employees. There are no managers in HHS who have responsibility exclusively for child abuse. The ACCESS Program Manager is not dedicated to child abuse and was unable to identify anyone in HHS who was dedicated to child abuse, even though she said there was a possibility there could be a few case workers who may be dedicated to child abuse.

Child abuse/neglect was reported on a child in PCOE. The ACCESS investigation dismissed the case. The HHS Director received a request to reinvestigate the same reported abuse/neglect. An ACCESS Program Supervisor conducted a reinvestigation and during that reinvestigation, the child died.

The parent of the PCOE student being investigated told PCOE administration and staff that she wanted her children to be removed from the complainant’s caseload because the parent was being investigated for child abuse/neglect, and the parent blamed the complainant for being the reporter. Soon after this occurred, the PCOE administrator removed that parent’s children from the complainant’s caseload.

A member of PCOE administration told the Grand Jury that in previous positions she had reported abuse on behalf of her staff because they were intimidated by parents.

The ACCESS Program Manager has no knowledge of a process for reinvestigations. She also told the Grand Jury that four to five reports had been filed on that child in the last two years.

FINDINGS:

PCOE administration and staff are aware of child abuse reporting laws. The PCOE Special Education Staff Handbook is well written and informative with regards to communicating how to report suspicion of child abuse and neglect. It does not contain a training plan which would have made the handbook more complete. The information required to report child abuse is not readily available because it is not listed in the Table of Contents. It is not clear who the written report should be sent to in Placer County and how the written form of that report can be obtained.

It is imperative for a child abuse investigation to be escalated and completed in the event of the death of the child.

Situations can develop in which mandatory reporters are intimidated by circumstances surrounding a child abuse/neglect situation.

CONCLUSIONS/RECOMMENDATIONS:

1. The Children's System of Care department in HHS must establish an escalation process for investigations if a child dies during the course of an investigation or if there are multiple reports filed on that child. This escalation process must be defined, documented and instituted no later than January 1, 2008.
2. PCOE should establish a special process to assist PCOE mandatory reporters who are in intimidating situations to fulfill the legal obligation to report.
3. PCOE Special Education Staff Handbook should be amended to:
 - Include a Training Plan
 - List Child Abuse & Neglect Reporting in the Table of Contents so it can be easily found.
 - List Appendices in the Table of Contents so they can be easily found.
 - Include a reference of where to find the proper form to use when filing the written report.
 - Make it clear what the name and address is of each agency that should receive the written report.
 - The amended version of this handbook should be printed and distributed no later than January 1, 2008. Printing it on white paper would make copies easier to read.

REQUEST FOR RESPONSE(S):

- | | |
|---|-----------------------|
| • PCOE Special Education Director | Recommendations 1,3 |
| • Director of System Management Advocacy & Resource Team,
Children's System of Care/ACCESS | Recommendations 1,2,3 |
| • Placer County Superintendent of Schools | Recommendations 1,3 |

Internal Affairs Investigations of Citizen Complaints: A Follow Up

Placer County Law Enforcement Agencies

SUMMARY:

The 2003-2004 Placer County Grand Jury made recommendations to the Auburn, Lincoln, Rocklin, and Roseville Police Departments, as well as the Placer County Sheriff's Office regarding their citizen complaint processes. No follow-up was done on the processes in subsequent years until the 2006-2007 Grand Jury revisited the various law enforcement agencies and ascertained that they are maintaining citizen complaint files in a well-organized manner.

BACKGROUND:

California Penal Code Section 832.5(a) states: "Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of those departments or agencies, and shall make a written description of the procedure available to the public." These citizen complaint files are deemed confidential under the law in Penal Code Section 832.7(a). However, the last sentence of this section states: "This section shall not apply to investigations or proceedings concerning the conduct of police officers or a police agency conducted by a grand jury, a district attorney's office or the Attorney General's office."

The 2003-2004 Grand Jury completed a review of citizen complaint processes for all law enforcement agencies in Placer County. They reviewed every completed citizen complaint investigation file for a period of five or more years at each agency and assessed each process to determine if it was in compliance.

The 2003-2004 Grand Jury recommended the four Police Departments consider using a file tracking form to be attached to the front inside cover of each citizen complaint file. The checklist should include a listing of all pertinent documents or records that are required to be contained in the file. The checklist should include, but not be limited to, a signed citizen complaint form, a signed false complaint admonition statement and a copy of the written notification to the complaining party of the disposition of the complaint.

As a follow up to the recommendations made in the 2003-2004 final report, the 2006-2007 Grand Jury revisited the law enforcement agencies to confirm that recommendations have been implemented.

METHODOLOGY:

A review of the 2003-2004 Grand Jury final report was made and follow-up questions to the various agencies were composed. Visits were made to the Police Departments of Lincoln, Auburn, Roseville and Rocklin and to the Placer County Sheriff's Department, where current procedures were discussed with a staff member.

FACTS:

The 2003-2004 Grand Jury had difficulty reconciling the files of the Lincoln Police Department because they did not use a sequential numbering system. This made it difficult to determine when a file was missing. The Lieutenant responsible for 95% of all citizen complaint investigations had not taken the internal affairs investigation course in 2003-2004.

As determined by the 2003-2004 Grand Jury, not all citizen complaints were responded to within 30 days. File retention for five years was done at the Auburn, Lincoln, and Roseville Police Departments and the Placer County Sheriff's Department. The Rocklin Police Department's five-year log showed one file could not be located.

The Lincoln Police Department currently has a sequential numbering system for citizen complaints. They are responding within 30 days to citizen complaints and are retaining their complaint files for five years. The Chief of Police plans to use an electronic version of the complaint form in the very near future. The Lincoln officers are attending Peace Officer Standards and Training (POST) courses on internal affairs investigations.

The Auburn, Roseville and Rocklin Police Departments and the Placer County Sheriff's Department are responding to citizen complaints within 30 days and are retaining their complaint system for the required five-year period. Rocklin has implemented an electronic system.

FINDINGS:

The 2006-2007 Grand Jury finds the Auburn, Roseville, Rocklin and Lincoln Police Departments have implemented the recommendations of the 2003-2004 Grand Jury.

CONCLUSIONS/RECOMMENDATIONS:

The 2006-2007 Grand Jury recommends that the Placer County law enforcement agencies continue to monitor their citizen complaint systems in the currently well-maintained manner.

REQUEST FOR RESPONSE (S):

No response is necessary.

Library Service Disrupted By Middle School

Auburn Union School District

SUMMARY:

The service provided to the community by the Auburn Placer County Library (Library) is routinely disrupted by some parents and students of E.V. Cain Middle School (School). In addition, Library property has been vandalized by School students. Problems occur when students arrive and depart from the School campus through Library property. This report recommends immediate cooperative action, led by Auburn Union School District (AUSD) to solve a crucial situation which is negatively impacting the Library and potentially endangering children coming and going to the School. A task force comprised of key leaders in the community should be established to solve problems caused by students, their parents and caregivers who approach and leave the School through Library property. The task force should provide a united front to enforce legal behavior on Library property. The united front of the task force should deal swiftly and consistently with the specific individuals who violate the law and who violate Library rules on Library property.

BACKGROUND:

E.V. Cain Middle School was established around 1950. It has grown from 210 students to a current enrollment of 846 students. Even though there has been significant growth in and around the School, there has been little to no improvement to the roads surrounding the campus. This has led to traffic congestion entering and leaving the campus. Approximately 100 students enter Library property on foot through Library gardens after school—a route that is not sanctioned by the School. Approximately 50 vehicles enter Library property on school days between 2:30 p.m. and 3:30 p.m. solely to pick up students. This creates a critical traffic situation and debilitates the Library business. Auburn is not the only city to be troubled with this type of behavior. To illustrate the seriousness of this situation, a library in a New Jersey suburb closed its doors from 2:34 p.m. to 5:00 p.m. on weekdays starting on January 2, 2007, to control disruption of service and vandalism after school. This suburb was mentioned in Money magazine's list of "Best Places to Live," so the problem was not due to the library being in a "bad" part of town. Formation of the task force recommended by the Placer County Grand Jury will provide the level of interagency cooperation to assure Auburn does not follow in the footsteps of the New Jersey library. (See Appendix A.)

METHODOLOGY:

The Placer County Grand Jury used the following methods to obtain facts:

- Interviews with the following people:
 - Director of Library Services, Placer County Library,
 - Director of Risk Management, Placer County Executive Office
 - Liability Manager, Placer County Executive Office
 - Chief Probation Officer, Placer County Probation Department
 - Vice Principal, E.V. Cain Middle School
 - Auburn Union School District Superintendent
 - Chief of Police, Auburn Police Department
 - Police Officer/School Resource Officer, Auburn Police Department
 - Police Sergeant, Auburn Police Department
- Presentations made to the Grand Jury by the Placer County Community Development Director and Placer County Superintendent of Schools.
- Observations of EV Cain, Auburn Placer County Library, and Staples parking lot sites before, after and during school hours.
- Information received from Auburn Union School District Assistant Superintendent, Business & Facilities

FACTS:

Logistics and history

While the world around the School has changed dramatically in the last 50 years, few changes have been made to the ingress and egress to the School. The School was constructed in approximately 1950 and exists on the same property and conducts classes in the original buildings today. For the first 10-15 years of the School's existence, there were few buildings surrounding the school and Highway 49 was a two-lane country highway with sparse traffic. In approximately 1955 a new wing was added to the School which accommodated about seven new classrooms. In 2000, seven to eight new classrooms, a new gym, parking spaces and bus lanes were added to the existing School property. In 2001, eight classrooms were added. The school's enrollment increased from 210 in 1951 to 1,031 in 2001. Today enrollment is 846 and projected to be 555 in 2010. (See Appendix B.)

All sides of the school are now surrounded by buildings and thriving businesses. Traffic on Highway 49 is regularly congested, with traffic lights at almost every cross street within a mile radius of the school. The north side of the campus borders Palm Avenue, a two-lane road with no major improvements in the last 50 years. The south side borders a dead-end alleyway between the school and a strip of businesses. The east side borders a

narrow strip of businesses, a narrow frontage lane and then Highway 49. The west side borders a narrow wooded area and the Library property. (See Appendix C.)

The only way a vehicle can access School property is from the same two driveways that existed 50 years ago. Both driveways are uncontrolled on entrance and controlled by a stop sign on exit. One driveway comes directly off Highway 49 on the southeast corner of campus and is limited to a right turn on exit. The other driveway comes off Palm Avenue on the northeast corner of campus. Access to the School from the alley on the south is blocked by fencing and locked gates on School property. The west side of the campus can be accessed on foot from the Library property by cutting through bushes and traversing dirt banks.

There are 119 parking spaces allocated for staff and parent pickup and drop off on the School campus. There are approximately 66 staff members on campus on school days. All parking spaces are on the east and north sides of campus.

The Auburn Journal published four separate Letters to the Editor between February 23, 2006, and March 22, 2006, criticizing the conduct of E.V. Cain Middle School parents and students. The criticism was directed at difficulties occurring at the Library from 2:30 p.m. – 5:00 p.m. on school days. The Auburn Journal staff wrote an article summarizing the complaints on March 30, 2006. The Auburn Sentinel published a “JEER” echoing the same concerns on March 24, 2006. Most letters call for action by parents, the school and the police department. People who wrote the letters concur that Library staff are polite, constructive, and go beyond the call of duty in trying to maintain a peaceful and accommodating service for their patrons. (See Appendix D.)

Arrival and departure of E. V. Cain students

Students arrive on campus between 7:30 a.m. – 8:00 a.m. and depart at 2:25 p.m. Approximately 190 students arrive and leave by bus. The remaining students (approximately 650 in fall 2006) get shuttled in cars, ride bikes or walk. Approximately 100 students leave campus on foot through the wooded, low visibility area on the west border and onto Library property. Students are unsupervised at the Library from the time they leave school grounds at 2:25 p.m. until they are picked up or continue their journey home.

Approximately 50 cars use Library parking and driveways to pick up students. The cars take up all of the available 26 Library parking spaces. Additional cars overflow into the parking lot across the roundabout and adjacent to the southwest corner of Library property. These parking spaces are intended for the Library, Placer County Office of Education (PCOE) and other county businesses on the property. Cars frequently clog the roundabout in front of the Library, making it difficult for Library patrons to park or enter or leave the Library parking lot. (See Appendix E.)

Students disperse off campus as school is dismissed at 2:25 p.m. Those coming to the Library walk across the back of the Library property and through the ivy and other

ground cover toward the front of the Library building on the south side between the Library and the amphitheatre. The north side of the Library building is blocked by a fence with a locked gate. By 2:45 p.m. there are approximately 100 students milling around in front of or inside the Library. Almost all of them have backpacks that they dump on the paths or in the shrubbery. Backpacks are swung about by students who are unaware of other pedestrians. Students bring food and drinks. Most of the problem is over by 3:15 p.m. However, at times there are still students waiting to be picked up when the Library closes at 5:00 p.m. and it is dark during winter months.

Problems caused at Auburn Placer County Library by E.V. Cain students and parents

The Library is not staffed to provide adequate supervision of 100 children who hang out or who refuse to comply with Library behavior rules. Library administrative staff is in the building at 8:00 a.m. The Library opens to the public at 10:00 a.m. and closes at 5:00 p.m., with no staff present after closing.

Parents and caregivers pick students up in parking lots at or adjacent to the Library or near the amphitheatre. They exit past the front of the Library, around the roundabout, and out the two-lane Library Drive adjacent to the PCOE building. Many parents do not park in a parking space but simply swing around the roundabout and stop when they see their students. In some cases, E.V. Cain parents or caregivers waiting in cars have refused to move when requested to do so by Library staff. Behavior of some parents has been characterized as rude and arrogant. At times, traffic has jammed up at the roundabout and in the parking lot, rendering it inaccessible for Library customers. When traffic is busy on Nevada Street, cars waiting to exit back up the Library Drive and into the Library parking lot. (See Appendix E.)

In the Library Drive and parking lot, cars stop unexpectedly and students dart in and out of traffic to cross the Library Drive or get into their cars. In previous years, an ice-cream truck has parked on the curb across the roundabout from the Library building. Many students ran across the parking lot and into the street to get to this vendor.

Many Library customers require railings and a clear path to the door. From 2:30 p.m. – 3:30 p.m. on school days, the railings and path to the door are routinely blocked. Students regularly ride bicycles and skateboards in front of the Library in spite of frequent admonitions from Library staff to stop. Inappropriate language by students is overheard by patrons approaching the Library.

The Library has experienced minor vandalism by students such as torn off tree branches, trampled landscaping, and littering. Ground cover and landscaping in front of the Library is impossible to grow due to the trampling of the students. Instead of flowers or landscaping, the planters have large dirt areas that have been trodden down by students regularly walking in the planters and through bushes. In the fall of 2005 after school one day, students stomped on an irrigation junction box on Library property, causing breakage that resulted in shutting off the water to the entire Library while repairs were done.

The following specific problems occurred in 2006:

- Someone climbed on the Library roof and spray painted the Library building in the morning before the Library opened. Evidence indicates it was done by a teenager. It was not proven it was done by a School student. EV Cain students climbed on the same Library roof several times after school and were visible to Library staff through the windows.
- Parents picking up their children were asked by Library staff to move from the front curb to accommodate a delivery truck attempting to make a delivery to the Library. Some parents refused to move.
- A fight between two boys after school was broken up by the Library Children's Services Manager. The two boys were escorted back to the School principal's office by the Library Children's Services Manager. The School did not inform Library staff how the School dealt with this problem. The Library did not contact the police. The Library staff is not trained to deal with these types of altercations.
- The Library called the Auburn Police Department on four occasions in 2006 regarding School students. A fight and three cases of vandalism were reported.
- An Auburn Police Officer responded to an anonymous report on the first day of school, regarding a gentleman in the amphitheatre adjacent to the Library after school. The man had been drinking but was not intoxicated. The Officer asked him not to return to that area during school hours after a brief interrogation.
- Police arrested a couple in the Library parking lot in possession of drugs. There is no evidence they sold to School students.
- Library staff discovered a man who was intoxicated and sleeping on Library grounds during the day.
- Library staff discovered a drug pipe in bushes on Library grounds.

Problems continue to occur in 2007. We are less than two months into 2007 and there have been fights, minor theft of library material, vandalism to the Library windows and minor vandalism to cars in the parking lot.

Problems reported to Auburn Police Department by non-Library businesses surrounding the School

Fewer problems exist in the areas surrounding the School that are not on Library property. Two problems were reported by other businesses surrounding the School campus in 2006. They reported behavior problems, vandalism and language problems of students on their property after school.

Miscellaneous background information

The school is not liable when students leave campus, but they can administer discipline for inappropriate behavior of students until they reach their home. This is outlined in the following Education Code Sections.

- Education Code 44807 states: "Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school."

- Education Code Section 48900(r) states: "... A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to... while going to or coming from school."
- Education code 44808 states: "Notwithstanding any other provision of this code, no school district, city or county board of education, county superintendent of schools, or any officer or employee of such district or board shall be responsible or in any way liable for the conduct or safety of any pupil of the public schools at any time when such pupil is not on school property, unless such district, board or person has undertaken to provide transportation for such pupil to and from the school premises, has undertaken a school-sponsored activity off the premises of such school, has otherwise specifically assumed such responsibility or liability or has failed to exercise reasonable care under the circumstances."

The city of Auburn has a traffic committee consisting of

- Auburn Police Department (APD) Chief of Police
- Auburn City Manager
- Auburn City Council Member
- Public Works Director
- Citizen representative
- Non-members attending represent Public Works and APD Parking Enforcement

When a juvenile is involved in a crime, they are treated differently than an adult. When a juvenile commits a crime, a referral form may go to Probation at the discretion of the reporting officer. The reporting officer also has the option to issue a citation, counsel the juvenile, or release the juvenile to their parent(s). In most cases, the juvenile is returned to his or her parents.

Actions taken to correct the problems

Frequently this school year (2006/2007), the Library has had one or more staff standing outside near the front door to keep access as open as possible for the general public and to provide some degree of adult presence for the students. The Library Children's Services Manager has called the E.V. Cain Vice Principal to report the names of the most problematic students. The School has administered discipline in some cases to students who misbehave after they leave school and before they reach home.

A Memorandum of Understanding (MOU) was signed in September 2006 by the County Executive Officer of Placer County, Chief of Police of APD, and Superintendent of AUSD. The MOU "delineates the roles of the AUESD (Auburn Union Elementary School District), Placer County and APD in mitigating the long standing problems of improper parking, detrimental traffic flow and juveniles behaving inappropriately at Auburn Branch of the Placer County Library, which is adjacent to EV Cain Middle School's campus." When AUSD, the Library and the APD were writing the MOU, they met for about an hour approximately every 2 months. Meetings between these groups concluded in May 2006. The Library spearheaded the MOU. (See Appendix F.)

A police officer is designated by APD as a School Resource Officer. The focus of the School Resource Officer is to respond to needs at E.V. Cain, Skyridge and Alta Vista schools. In particular this officer is to:

- be present at all three campuses
- support school staff by investigating crimes
- talk and befriend students and keep informed
- teach students, parents, and AUSD staff about drugs and safety, including internet predators

The majority of the problems the School Resource Officer encounters are at E.V. Cain Middle School. The School Resource Officer has an office at E.V. Cain and at APD.

Last year, the Library hired a Children's Services Manager who supervises games, movies and other activities in the Beecher Room of the Library after school. Under the direction of the Children's Services Manager, the Library offers activities for teens three days a week after school. The Library has published Rules of Conduct. The Children's Services Manager is outside interacting with the students often. She is usually the only adult presence with the students outside the Library after school. (See Appendices G & H.)

A group of volunteers trained and organized by APD handed out leaflets to parents picking up students in the Library parking lot in August 2006. Their goal was to gain cooperation from parents in avoiding parking in loading zones. Some parents were highly annoyed and some were appreciative of the effort.

The Boys & Girls Club offers after school activities for teens and other children in Auburn. A separate MOU has been signed by APD and The Boys & Girls Club to demonstrate their cooperation and enable additional funding for the Boys & Girls Club. (See Appendix I.)

The School has published several documents over the past years that have specifically asked for parent cooperation in using the campus to pick up and drop off students instead of the Library. (See Appendices J, K, L and M.)

FINDINGS:

Many students have good reason to visit the Library after school for homework or other activities. The Placer County Director of Library Services welcomes and encourages these patrons. However, the majority of the children are there to be picked up by parents or caregivers. There are parents who feel entitled to be wherever they wish on Library grounds and do whatever they wish to pick up their children there. The Library is treated as a convenient extension of the school. There are children and parents who are disrespectful to the patrons, employees and other students who are using the Library legitimately. Significant problems stem from parents or caregivers who drop off and pick up children in front of the Library instead of picking them up in the parking provided by

the School. The potential for a traffic accident is present: either between cars or a car hitting a student who is running out into the roundabout or across the parking lot to get into his/her car. Increased traffic at the Library is partly due to people trying to avoid congestion at the opposite end of campus, which is sanctioned for student pickup. In reality, pick up and drop off on the sanctioned part of campus is safer than at the Library. The Grand Jury finds that the potential is so high for an accident, and it is quite remarkable that one hasn't happened. As School enrollment continues to decline, the traffic in the sanctioned parking area on campus should decrease. The Grand Jury found no record of an accident on campus in the history of the school. Parents were routinely observed to be cooperative, polite and responsible drivers while dropping off and picking up on campus.

Children congregating on the stairs at the front of the Library often interfere with Library users, some of whom are elderly and less able to maintain their balance in a crowd, particularly on the stairs. The Library gardens and environment are frequently damaged by students after school. The number of children present at the Library after school is intimidating. When the weather is cold and wet, more go inside the Library building, increasing the density and amplifying the problems. Anytime there is a presence from the police or School on the Library grounds it gains a bit more compliance to requests and cooperative behavior. APD and the Library agree it helps to have the School Resource Officer, a teacher or a School administrator present because not only are they an authority figure, but they also recognize students, making discipline easier.

Safety risks exist due in part to the close proximity of Interstate 80 and Highway 49. The wooded area between the School and Library is not easily visible and there are known transients in the area. There is a lack of control or knowledge by Library staff or school administration of who might be hanging around to take an opportunity to approach unsupervised students with inappropriate actions or behavior.

Even though the situation at the Library may not create a specific liability for the school, there can be school based consequences for misbehavior. The school has promised help, but they are rarely on Library property when the congestion is heaviest. The School Vice Principal and the Placer County Director of Library Services estimate that out of the 846 students enrolled at the school, fewer than 10 (less than 1%) of them cause problems. Much of the behavior is boisterous but within the boundaries of self-control by most. The most efficient way to stop the misbehavior is to target consistent and swift discipline at those who are guilty of misbehaving.

Parents who leave children at the Library after dark, violate parking laws, and/or violate Library Rules of Conduct may not be expected to respond to school newsletters or other mass communication requesting compliance. In some cases, they do not respond to direct personal requests for compliance. They may not be expected to do the right thing. The most efficient and effective way to stop misbehavior is to target consistent and swift action at those who are guilty of violating the law or Library Rules of Conduct.

Creative and thoughtful ideas were offered by people interviewed by the Grand Jury during this investigation. Each person interviewed demonstrated strong commitment to his/her job and his/her role in solving the problems. Everyone interviewed encouraged others to notify them of problems. Especially creative ideas for solving problems were expressed by the Chief Probation Officer, the Police Chief, the Risk Management Director, and the Library Director. Ongoing collaboration between these groups with the leadership of AUSD will yield effective solutions. The Grand Jury has significant confidence in the leadership and dedication of these community leaders in cooperating to solve this problem. Our community is lucky to have the leadership to deal with this problem instead of grasping at the desperate measures taken by the library in Maplewood, New Jersey.

CONCLUSIONS/RECOMMENDATIONS:

The Placer County Grand Jury recommends the following.

1. Auburn Union School District lead a Task Force.
2. Members of the Task Force should be:
 - Auburn Police Chief
 - Chief Probation Officer of the Placer County Probation Department
 - Director of Risk Management, Placer County Executive Office
 - Director of Library Services, Placer County Library
 - Auburn Union School District Superintendent or Designee as Task Force Leader
 - Placer County Office of Education Designee (as needed)
 - A Parent from the E.V. Cain Parent Teacher Club
 - A student from the E.V. Cain leadership or student council (optional)

The objective of the Task Force should be to formulate, implement, and monitor a plan that will solve problems caused by School students and parents on Library grounds. The plan should:

- Be agreed to by all Task Force members.
- Provide a united front by all members of the Task Force to demonstrate that behavior will not be tolerated if it drives good behaving people away.
- Establish a regular meeting schedule of the Task Force. Meetings should be no fewer than once every two months.
- Document, make public and enforce the behavior that is expected from parents and students of the School on Library property.
- Establish methods for easy, quick communication between all members of the Task Force.
- Establish procedures for consistent and timely corrective action in a united front from the Task Force when School parents and students violate expected behavior.
- Enforce parent and student compliance to Library Rules of Conduct and to the law.

- Target corrective action specifically at individuals in violation.
 - Add appropriate members as needed and agreed to by all current members of the Task Force.
 - At all times support the larger objective of preserving the value of the Library to our community.
3. The Task Force should determine how much responsibility the Library does and does not have for after school care of students. If it is determined that the Library is going to be considered as a convenient extension of the school, AUSD should formally include this fact in their planning and staffing.
 4. The Task Force should determine how the Boys & Girls Club should be involved for after school care of students. If it is determined that the Boys & Girls Club is going to be depended on, the Task Force should formally include the Boys & Girls Club in their planning.
 5. The Task Force should consider how PCOE property adjacent to the Library can be used to alleviate problems identified in this report. This should include, but not be limited to:
 - a. Reallocation of PCOE parking spaces
 - b. Redirection of traffic on PCOE property
 - c. PCOE rooms or property made available to the Boys & Girls Club or other after school activity.
 6. The Library should install signage and take clear and consistent action – up to and including banning students and parents who violate rules. These actions may involve other Task Force members as agreed to by the Task Force.
 7. The Auburn Traffic Committee should determine changes that could be made to the Library Drive (denoted in Appendix E) approaching the Library and to adjacent PCOE property to reduce or eliminate traffic in the roundabout and on Library grounds that is solely intended for student pick up and drop off.
 8. The Auburn Traffic Committee should determine if changes to access roads and frontage roads adjacent to the east side of the School could accommodate more student traffic, thus reducing student traffic at the Library.
 9. The Auburn Traffic Committee and AUSD should determine if there are changes to roads, fencing and gates adjacent to the south side of the School that would keep students on safe, visible walkways.
 10. The Task Force should be formed and fully operating no later than August 1, 2007.

REQUEST FOR RESPONSE (S):

- Auburn Union School District Superintendent
 - 1, 2, 3, 4, 5, 8, 9, 10
- Director of Library Services, Placer County Library,
 - 1, 2, 3, 6, 7, 10
- Deputy CEO/Director of Risk Management and Organizational Development
 - 1, 2, 7, 10
- Chief Probation Officer, Placer County Probation Department
 - 1, 2, 10
- Chief of Police, Auburn Police Department/Acting Traffic Committee Chairman
 - 1, 2, 7, 8, 9, 10
- Placer County Superintendent of Schools
 - 1, 2, 5, 7, 10
- Placer County Board of Supervisors
 - 1, 2, 10

APPENDICES:

- A. New York Times article on library in New Jersey adjacent to a middle school
- B. AUSD enrollment data
- C. Map of E.V. Cain and surrounding property
- D. Copies of articles printed in the Auburn Journal and Sentinel regarding School students at the Library
- E. Premises Site Map – PCOE Parking
- F. MOU between AUSD, Auburn Police Department, and Placer County Executive Office
- G. Teen Activity Flyers provided by the Library for the month of October 2006
- H. Placer County Library Rules of Conduct
- I. MOU between Auburn Police Department and the Boys & Girls Club
- J. Safe Library Coalition
- K. Time Tracker planning book given to each student at the beginning of the school year.
- L. Document
- M. Four Cat Pause newsletters that are sent home with students to parents on a regular basis.

Appendix A



Richard Perry/The New York Times

The Baker Street library in Maplewood, N.J., near a middle school, will soon close from 2:45 to 5 p.m.

Lock the Library! Rowdy Students Are Taking Over

By **TINA KELLEY**

Published: January 2, 2007

Others, library officials say, fight, urinate on the bathroom floor, scrawl graffiti on the walls, talk back to librarians

http://us.f824.mail.yahoo.com/ym/ShowLetter?box=Inbox&MsgId=6370_546717_4814_19... 1/9/2007

or refuse to leave when asked. One recently threatened to burn down the branch library. Librarians call the police, sometimes twice a day.

As a result, starting on Jan. 16, the Maplewood Memorial Library will be closing its two buildings on weekdays from 2:45 to 5 p.m., until further notice.

An institution that, like many nationwide, strives to attract young people, even offering beading and cartooning classes, will soon be shutting them out, along with the rest of the public, at one of the busiest parts of its day.

Library employees will still be on the job, working at tasks like paperwork, filing, and answering calls and online questions.

"They almost knocked me down, and they run in and out," said Lila Silverman, a Maplewood resident who takes her grandchildren to the library's children's room but called the front of the library "a disaster area" after school. "I do try to avoid those hours."

This comfortable Essex County suburb of 23,000 residents, still proud of its 2002 mention in Money magazine on a list of "Best Places to Live," is no seedy outpost of urban violence. But its library officials, like many across the country, have grown frustrated by middle schoolers' mix of pent-up energy, hormones and nascent independence.

Increasingly, librarians are asking: What part of "Shh!" don't you understand?

About a year ago, the Wickliffe, Ohio, library banned children under 14 during after-school hours unless they were accompanied by adults. An Illinois library adopted a "three strikes, you're out" rule, suspending library privileges for repeat offenders. And many libraries are adding security guards specifically for the after-school hours.

In Euclid, Ohio, the library pumps classical music into its lobby, bathrooms and front entry to calm patrons, including those from the nearby high school.

A backlash against such measures has also begun: A middle school in Jefferson Parish, La., that requires a daily permission slip for students to use the local public library after school was threatened with a lawsuit last month by the American Civil Liberties Union.

Librarians and other experts say the growing conflicts are the result of an increase in the number of latchkey children, a decrease in civility among young people and a dearth of "third places" — neither home nor school — where kids can be kids.

"We don't consider the world as safe a place as it used to be, and we don't encourage children to run around, hang around and be free," said Judy Nelson, president of the Young Adult Library Services Association, part of the American Library Association. "So you have parents telling their kids that the library is a good place to go."

Rowland Bennett, who served as the director of the Maplewood Memorial Library for 30 years and is now president of the local school board, said libraries had become "the child care center by necessity."

Linda W. Braun, a librarian and professor who has written four books about teenagers' use of libraries, said the students want only to be treated like everybody else.

"If there are little kids making noise, it's cute, and they can run around, it's O.K.," Ms. Braun said of standard library operating procedure. "Or if seniors with hearing difficulties are talking loudly, that's accepted. But a teen who might talk loudly for a minute or two gets in trouble."

She added: "The parents don't want them, the library doesn't want them, so they act out."

That leaves librarians doing a job they did not sign up for: baby-sitting for kids old enough to baby-sit.

The Maplewood library has created a gallery space for young people's artwork, put on an anime film festival and formed a Teen Advisory Group that attracted 30 youngsters for a recent pizza party.

But problems persisted.

In consultation with a lawyer, the library board came up with behavior guidelines in May 2005 that prohibited activities like "hairstyling or grooming of another person" and "refusal to leave the building." The policy includes some politely precise language common to those who speak softly from behind a reference desk: "If a patron seems to be placing a staff member in the position of providing a nonlibrary-related function, the staff member may bring the interaction to a prompt conclusion."

But library officials felt that a bigger stick was needed. Last week, the board posted a notice on its Web site and library doors saying it had "struggled with this problem for over 10 years" and voted "with great reluctance" on Dec. 20 to close after school.

"Having as many as 50 young people with nothing to do creates an untenable situation," read the note, which pointed out that many students did not use library resources but simply socialized in the building. "It interferes with patrons of all ages who want to use the library and with the staff members who are there to serve them. The library can no longer deal with large numbers of students who come after school and wait, sometimes into the late evening, to be picked up."

The decision has not been popular in town. In a posting on Maplewoodonline.com, the community's Internet bulletin board, one resident, Joan Crystal, said an alternative needed to be developed before closing the library. "I also think it improper to close the library during hours when adults, older students and M.M.S. students find it most convenient to use the library," she wrote.

David Huemer, who represents the Maplewood Township Committee on the library board, said he would like to see the current police station, which is being retired in favor of a new one, converted to a youth center.

"What we have to do now is build some long-overdue facilities and fund some programs so kids can have alternatives to hanging out," he said. "To the extent that the vote of the library board is going to wake people up and get them to do something about kids from sixth grade to high school, that's a good thing."

About eight years ago, the library in nearby Irvington, N.J., struggling with similar problems, was shuttered for an hour each afternoon. But it was only for three days, until the students managed to settle down, officials said.

Veronica Morton, who was returning a Magic School Bus book to the Maplewood library the other day with her 8-year-old daughter, Alexandra, said she had become a "shush mommy" after watching librarians struggle to "get kids to calm down."

Outside the library, students who use it gave the new hours two thumbs down, way down.

"Kids will get into real mischievous activities" with the library closed, warned one teenager, Jonathan Brock, a student at the district's alternative high school program.

"I'm kind of annoyed," said David Carliner, a middle schooler who was rushing up the library steps ahead of his father. "It closes right when my school gets out, so I can't check out any books."

Appendix B

Auburn Union School District

EV Cain Middle School Construction Timelines		
Original (New)	1950	<i>estimated date</i>
Classroom Wing 2 (New)	1955	<i>estimated date</i>
Major Modernization of original site	1995	
Dragila Gym (New)	2000	
Science Portables	2000	
Parking, playfields, student pick up/drop off, bus lanes	2000	
2 Relocatables (added)	2001	
6 relocatables/1 toilet building (added)	2001	
Canopy (New)	2002	
Multi-Purpose Room (Wildcat Gym) (modernized)	2002	
Room 1 (modernized)	2004	

Auburn Union School District

EV Cain Middle School

Year	Total District ADA	Total 7/8 or 6/7/8
1950-51	959	210
1951-52	1,012	226
1952-53	1,066	235
1953-54	1,135	229
1954-55	1,158	244
1955-56	1,203	272
1956-57	1,205	281
1957-58	1,210	288
1958-59	1,268	321
1959-60	1,608	365
1960-61	1,720	381
1961-62	1,819	372
1962-63	1,840	423
1963-64	1,933	450
1964-65	1,935	449
1965-66	2,054	476
1966-67	2,076	483
1967-68	2,087	486
1968-69	2,084	486
1969-70	2,019	470
1970-71	2,026	472
1971-72	1,955	456
1972-73	1,930	450
1973-74	1,924	448
1974-75	1,886	439
1975-76	1,900	443
1976-77	1,919	447
1977-78	1,929	449

Auburn Union School District

Year	Total District ADA	Total 7/8 or 6/7/8
1978-79	1,891	441
1979-80	1,933	450
1980-81	2,096	488
1981-82	1,895	442
1982-83	1,941	452
1983-84	1,991	503
1984-85	1,945	457
1985-86	2,079	426
1986-87	2,219	659
1987-88	2,344	669
1988-89	2,558	754
1989-90	2,646	789
1990-91	2,816	871
1991-92	2,918	922
1992-93	2,854	841
1993-94	2,910	868
1994-95	2,775	819
1995-96	3,070	615
1996-97	2,912	602
1997-98	2,957	636
1998-99	2,903	623
1999-00	2,822	575
2000-01	2,841	644
2001-02	2,829	1,031
2002-03	2,708	977
2003-04	2,599	936
2004-05	2,600	923
2005-06	2,450	846
2006-07	2,317	745
2007-08	2,190	675
2008-09	2,091	625
2009-10	2,074	555

Estimate Only

Estimate Only

Estimate Only

Represents Estimates
Shaded areas include grade 6

Appendix C

PLACER COUNTY, CALIFORNIA

E. V. Cain Middle School



Appendix D

Rude library 'patrons' are disrupting the peace

Thursday, February 23, 2006 3:36 AM PST

It has come to my attention that there is a serious problem at the Auburn Library. If one is to try to use the library between 2:30 and 5 p.m. weekdays, they should expect to encounter a largely unruly, unsupervised mass of children from E.V. Cain Middle School disturbing the peace.

Many of these children are noisy, rude and foul-mouthed thereby making the library an unpleasant place to visit during this time period. This places an undue burden on the staff at the library and is not fair to those of us who abide by the rules of the library.

I feel that the E.V. Cain administration, our local police department and the parents of these children are neglecting their responsibility to supervise them. Also, this situation allows the children to be victim of many lurking dangers.

I feel this problem has deteriorated to the point that the library poorly functions through those hours. Yes, there are also children who do behave appropriately in the library and I commend them for setting a good example.

It is my hope that we can work together as a community to come up with a solution.

Bruce Dodds

Newcastle

Install a left-lane turn signal at Palm and 49

I am a seventh-grade student at E.V. Cain Middle School. It is my experience that the corner of Highway 49 and Palm Avenue has a lot of traffic congestion. This corner is between E.V. Cain Middle School and several dance, tae kwon do, and tutoring studios that students walk to after school.

I find this corner to be dangerous because there is no left-lane turn signal from Palm Avenue onto Highway 49. This causes backup during E.V. Cain drop-off and pick-up and it is also dangerous for students who walk across Highway 49. The cars pay more attention to the oncoming traffic than to the pedestrians in the crosswalk.

My solution to this problem would be to install a left-lane turn signal on Palm Avenue.

This will ensure the safety of all students who walk across this intersection. It will also relieve the frustration of the E.V. Cain parents and teachers who drive through this intersection during drop-off and pick-up times.

This is one of the few problems on Highway 49 that need to be fixed. I hope the proper authorities seriously consider this suggestion.

Mandy Matthews
Auburn



YOUR VIEWS

Ruckus at library spiraling out of control

In response to Bruce Dodd's letter, Your Views, Feb. 23, about the library being swamped with unruly kids — I couldn't agree more.

I use a cane and have even been knocked off-kilter with these rude and loudly foul-mouthed kids. They run, scream, cuss and throw things. Nowhere have I seen any adult control. These kids are as out-of-hand as the parents who use the library's parking to pick up their kids while they ignore the people trying to park to visit to the library.

A person can't even use the phone there, or want to because these kids will bump into you, mock you and leave a mess of trash behind. They are out of control. Do you parents know how your kids are behaving when you're not around?

I am sure there are some good and polite kids somewhere, but I haven't seen any at the library. I choose not to go to the library between 2 and 6 p.m. Where will this end?

I encourage others to speak out and maybe someone will do something. Wake up parents and the schools and send your kids somewhere else please! Give Auburn our library back!

Carmen Dias
Auburn

**Harley riders are friends
and neighbors, not threats**

business with. For those people concerned about motorcycles traveling on the same road that their children walk on, let me ask this question. Would it be safer to have a motorcycle traveling down that road that your children can see and hear or a hybrid car that makes zero noise?

Ken Wilson
Auburn

**Do you want hundreds of
Harleys on your streets?**

Sunday, Feb. 12 was a beautiful day for the Sweetheart Run — the motorcycle event organized by the Auburn Harley-Davidson Dealership on Locksley Lane and Highway 49.

There was a very good turnout; in one 15-minute period over 500 motorcycles were counted leaving the staging area headed down Highway 49. I expect the participants enjoyed an exhilarating drive to their destination and surely their entrance fee made a nice contribution to a good cause.

It was a fine day for all involved — except that some of the residents at the other end were not so pleased by their arrival.

Imagine that scene in your neighborhood on any given Sunday morning. Picture over 70 loudly roaring motorcycles per minute driving

**Don't fall for box stores
like lemmings off a cliff**

In response from the exaggerated letter from Frank Wilson, Your Views, Feb. 22, I have only one thing to say: change your priorities!

You are wrong, sir, and it sounds like you spend way too much time shopping!

When I need to shop, I often head up the hill to Auburn because I want to support Auburn business and because I love the ambiance. It makes for a pleasant, unpressured shopping experience as opposed to the cattle-like experience at the big box stores you mention. Spending a little bit more ensures that the characteristics of Auburn that we all love will remain.

Allowing big box stores in Auburn would change this fair city forever, pushing out small business we love and re-prioritizing our values from enjoyment of the smallness and personality of Auburn to focus on shopping and more shopping!

We have become such a consumer-driven society and you've fallen right in line with all the other lemmings.

Irene Smith
Loomis

Supporting Mike Helms

Library solution needed; staff patience appreciated

Thursday, March 2, 2006 12:40 AM PST

My wife and I heartily concur with two prior letters written on this subject by Bruce Dodds, Your Views, Feb. 23, and Carmen Dias, Your Views, Feb. 24.

As retired residents of Auburn, we use the library several times a week and have also been increasingly displeased with the unsupervised raucous behavior of E.V. Cain school children.

We sincerely hope that a solution can soon be implemented for the benefit of all concerned. Additionally, we wish to compliment the staff of the library on their forbearance with these sometimes trying situations.

Roger and Micheline Turner

Auburn

... natural health
food stores, a fresh fish and meat market, and a really wonderful local wine store. Our community depends on Auburnites shopping locally, and only heading "down the hill" for those items that you truly can't find in town. We should save the gas, the time, and our tax dollars.

Catherine Rowe
Auburn

Power company is defeating us financially

What you see isn't what you get!

PG&E is showing a commercial on TV. A little boy, flouting the power of a toy super character that has the power of sun, water and wind. PG&E claims they produce 30 percent of power from these sources.

Another PG&E news brief shows a new facility that is capable of producing power for 40,000 homes.

We are now in the third month of the increased cost that PG&E whined was needed to pay for the charges for importing gas from outside of California.

Kerr McGee is continually on TV showing natural gas wells all over California.

Al-Qaida does not have to invade the United State, we are being defeated by our own people, financially.

Clyde S. Deatherage
Auburn

... were several of us.
Now the pendulum of public opinion may be changing. We now have a very successful, Auburn area Democratic Club, and it's getting easier to tell people you're a democrat. I believe this is a change, perhaps long needed in our community.

Bob Mock
Auburn

Library has become a new hangout for rude behavior

As a recent college graduate and long-time student, I have been a patron of libraries for years.

There has been, however, a disturbing amount of individuals who now use the library and the entrance as a "hangout" area. While it is a safe place for children to wait to be picked up from school, I have found that there is a lack of respect for the property and the individuals who frequent the library.

I have personally witnessed rude and crude language, spitting, and various forms of rough housing. While these things may have a time and place, the public library is not that time or place. The youth just are causing a disturbance, and frankly, making people very uncomfortable. It is time to talk with our children and model what respectful behavior looks like, and then find a new place to "hang-out."

Jenny Hale
Auburn

3-22-06

CHEERS & JEERS

The Community
Speaks...

The Sentinel provides you with a chance to sound off on local current events, environmental issues, political stands or whatever you feel strongly about. Send in nominations of those matters you wish to cheer or jeer to the Sentinel, P.O. Box 9148, Auburn, CA 95604, or drop them off at Edelweiss Restaurant on High Street in Downtown Auburn. Maximum 50 words; please sign and include your phone number.

CHEERS to the person with great integrity who found and returned my diamond bracelet. - S.S.

JEERS to President Bush and the Republicans: Total U.S. expenditures on Iraq war (three years after invasion): \$320 billion and counting. (*Los Angeles Times*, 3/17/06) - M.H.

A double **CHEERS** to the Auburn Concert Band and Nevada-Placer Barber Shop Chorus for the wonderful concert. - B.K.

JEERS to the Placer County Animal Control officers who threaten, bully and lie to entrap senior women. They're charged by law to report elder abuse, not perpetuate this cruelty. - L.H.

CHEERS to blood donors at Blood Source Sierra Foot-hills, you know who you are. "You Do Save Lives." - F.R.

JEERS to the unfairness of life. When a man is young and immature, he really has little to offer. But by the time he has matured and gained wisdom and has something to offer, he has nothing left. - J.D.

JEERS to the parents who send their children to the outside of the library every afternoon - why don't you teach them what's inside? - M.W.S.

ner) enjoyed a traditional dinner of corned beef, cabbage, and boiled potatoes. I have to say kudos to **Dorothy Nowak** and the many other volunteers from the church who made it a well-organized, well-decorated, and well-enjoyed event. And if you missed it, you sure missed out! Mark your calendar now for the dinner next year!

You do have an opportunity to enjoy another fund-raising culinary treat coming up next weekend. The Lincoln Rotarians will be hosting their annual pasta feed on April 1st. The mouth-watering dinner will also be accompanied by a silent auction and music. Starting at 5:30 p.m., tickets for the dinner are \$15 each and can be obtained from any Lincoln Rotarian or by calling **Claire** or **Vern Luke** at 916-253-3711. The funds raised from the event will go toward supporting one of the numerous projects the Rotary sponsors are involved in, including the Lincoln Make a Difference Day, a project collecting and distributing Beanie Babies to children in the Emergency Room at Sutter General Hospital, the Christmas Parade of Lights, and the Auburn Ravine cleanup program.



And for non-culinary events, the Lincoln Recreation Department has another trip coming up for youngsters in their lineup of fun activities. On Friday, April 7 (from 8:15 a.m. to 4 p.m.), students in grades K through 8 are invited to attend a trip to Six Flags Marine World to enjoy everything from wild animals to roller coasters with the recreation staff closely supervising. The deadline for registration is April 5 and the cost is \$30 per child. Registration forms can be downloaded from the City of Lincoln website at www.ci.lincoln.ca.us or picked up at the Recreation Department office at 472 E Street from 8-5 Monday through Friday. Payment forms accepted are cash, check, or money order. For questions, please call the Recreation Department at

916-645-5298 (they can also fax registration forms upon request).

Rachel Kimbrough is a Lincoln resident and contributing writer for the Sentinel. She can be reached via the editor's email at editor@sentinelnews.biz. All messages to her will be forwarded.

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Thursday, March 30, 2006 Last modified: Wednesday, March 29, 2006 11:39 PM PST

Library, parents battle over parking, students

By: Pinne Usher, Journal Staff Writer

Parents of E.V. Cain School students said Wednesday that they will park in front of the public library to pick up their children, even if library officials don't like it.

Volunteers from the Auburn Police Department handed out flyers to several parents in the parking lot of the Auburn Library, on Nevada Street, alerting them to the Safe Library Coalition's rules of conduct.

Police volunteers have told some that they can't park in the public library's lot.

"They said they didn't want parents to pick up their kids here, because it's for library patrons and creates congestion," said Denise Maberry.

Maberry picks up her 12-year-old daughter and a neighbor's child from the library because it's simply less hassle, she said.

"We can't even get through to pick them up at school," she said. "If we did, we'd be on Palm Avenue creating a traffic problem."

Mark Parker, library director, said it is inappropriate for parents to pick up their school children on library property.

"It's a traffic and safety issue," Parker said. "Students block stairways and they are boisterous."

Parker is concerned that patrons of the library do not have access to the building because of parking issues.

There was little congestion in front of the library Wednesday as parents either parked and waited for their children or pulled up to the curb where their child was waiting.

Brenda Lewis has three school-aged children. One attends a private school, one is home-schooled and the third attend E.V. Cain.

She said she picks up her children and then visits the library to gather materials, books and programs for her 10-year-old home-schooled son, Joshua.

She said she had no problem finding parking around 2:30 p.m. Wednesday in front of the library, but that some students do create problems.

"The noise from all the students is (a problem)," she said.

Parker said he doesn't want to discourage children from using the library, but has concerns about those who tend to hang out in front of the public building.

"They aren't supervised and there is an impact on our ability to provide library service," he said.



Karina Williams/Auburn Journal Visitors to the Auburn Library have complained to E.V. Cain School officials that students waiting to be picked up by their parents are creating a problem.

Det. Joe Rangel of the Auburn Police Department said Wednesday that the police are working in conjunction with school and library officials to alleviate the long-standing problem.

"Children who use the library for its intended purpose or the park certainly have no need to take special heed to the flyers that have been handed out," Rangel said. "The purpose (of the flyers) is to educate parents that there are students who are not using the library for its intended purpose and are becoming disruptive."

The idea behind this tri-partisan effort is to educate the parents and help them to understand the students are welcome as long as they are well behaved, he said.

The school, as well as police, has received complaints from library patrons calling for action.

Lori Hockenson, principal of E.V. Cain School, said students often use the library after school hours and wait to be picked up by their parents.

"Those who are polite we don't have a problem with, but when we get complaints that students are misbehaving that's not OK with us," Hockenson said.

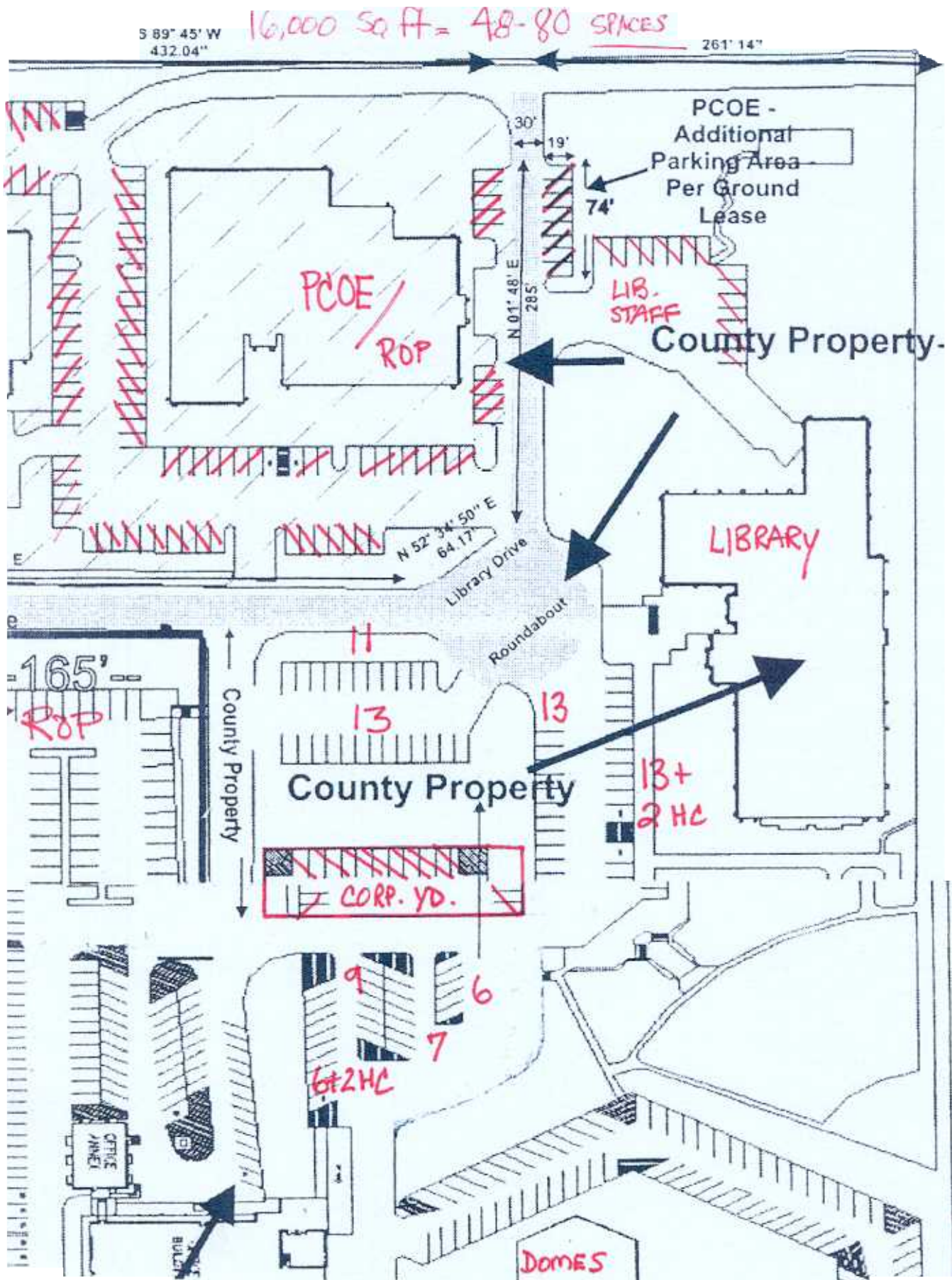
Despite problems with some children's behavior and requests from police volunteers, Maberry has no plans to park anywhere else to pick up her children.

"I'm still going to park here," she said. "My kids wait quietly inside the library."

The Journal's Penne Usher can be reached at penneu@goldcountrymedia.com.

Close Window

Appendix E



261° 14"

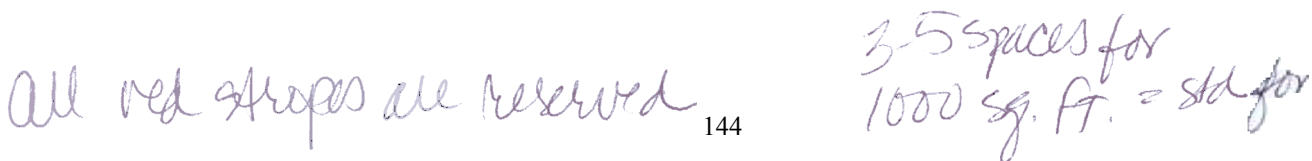
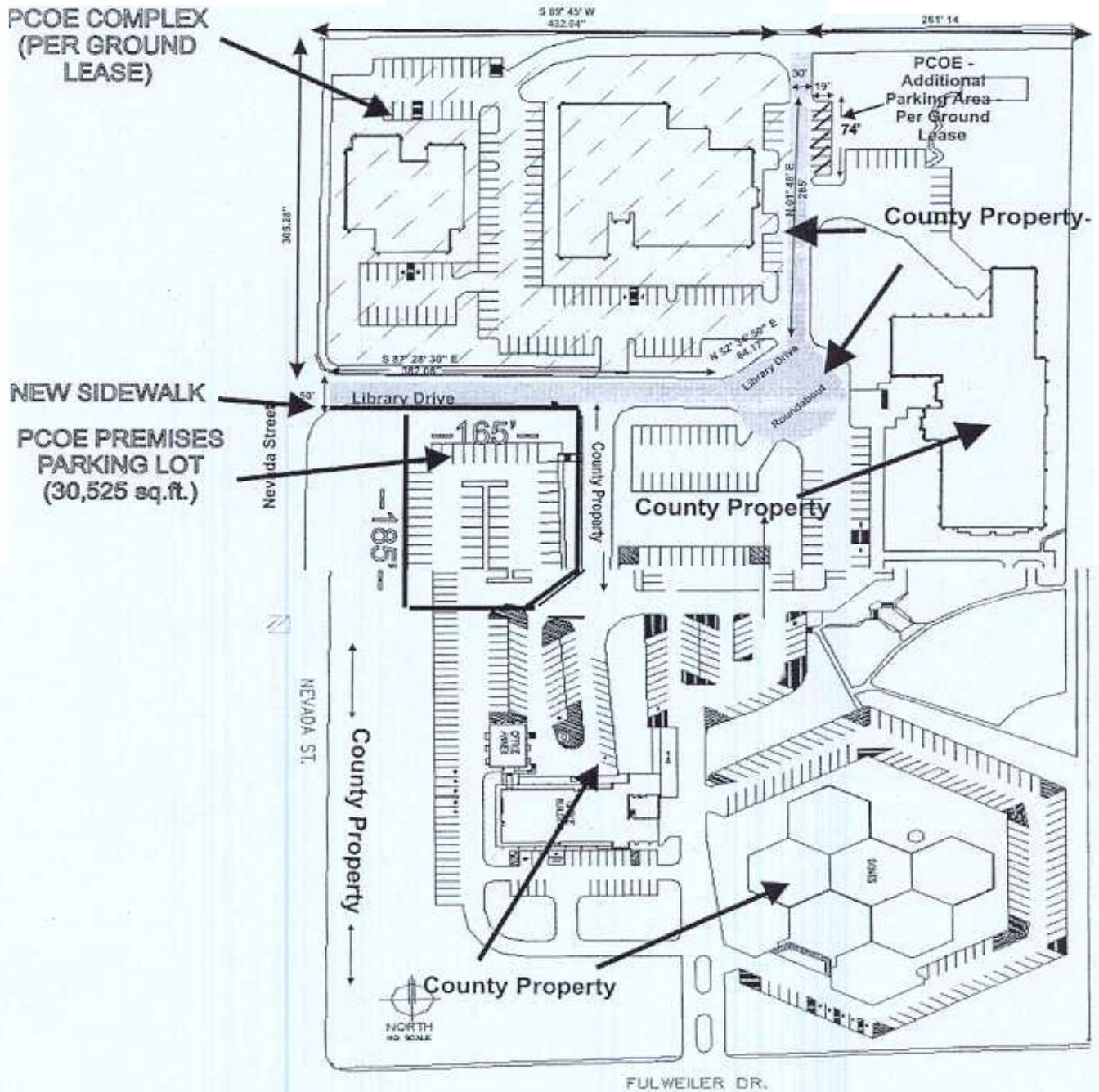


EXHIBIT A PREMISES SITE MAP



Appendix F

COLLABORATIVE MEMORANDUM OF UNDERSTANDING

STUDENT DISCIPLINE
COLLABORATIVE MEMORANDUM OF UNDERSTANDING
BETWEEN
Auburn Union Elementary School District (AUESD)
AND
Auburn Police Department
AND
Placer County

This COLLABORATIVE MEMORANDUM OF UNDERSTANDING (hereinafter MOU), is hereby made and entered into by and between the Auburn Union Elementary School District (AUESD), the Auburn Police Department, and Placer County, collectively referred to as Parties.

RECITALS

A. PURPOSE:

The purpose of this MOU is to delineate the roles of the AUESD, Placer County, and Auburn Police Department in mitigating the long-standing problems of improper parking, detrimental traffic flow and juveniles behaving inappropriately at the Auburn Branch of the Placer County Library, which is adjacent to E. V. Cain Middle School's campus.

B. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

Whereas, the Auburn Union Elementary School District and Auburn Police Department recognize Placer County, including without limitation its Library, as a separate and distinct business entity and that Placer County has ultimate authority over the access to and control over its property, including access roads and parking areas, as well as the responsibility to monitor the use of its facilities by utilizing the California Penal Code and the Auburn Municipal Code, and;

Whereas, the Auburn Union Elementary School District and the Auburn Police Department recognize a shared interest with Placer County in mitigating traffic and parking congestion and inappropriate behavior of juveniles on library property between the hours of 7:20 a.m. – 8:00 a.m. and 2:30 p.m. – 5:00 p.m. on Mondays - Fridays during the months of August – June;

AGREEMENT

Now, Therefore, the Parties Hereby Agree to the Following:

C. INDIVIDUAL PARTY RESPONSIBILITIES

THE AUESD SHALL:

- a. Communicate with its students and their families about the traffic and parking and behavior problems and consequences therefore at the library, and urge that they do not use it as a drop off and pick up location. The dissemination of information will be done via the following ways:

- ❑ Cat Paws Newsletter,
- ❑ Student Orientation Programs
- ❑ Parent/Teacher Night
- ❑ Parent/Teacher organizations,
- ❑ District and School Website, and
- ❑ Working in concert with the Auburn Police Department and staff of the Auburn Library to draft fliers that will be periodically distributed by Auburn Police Department Volunteers to parents choosing to use library facilities as a drop-off and pick-up location advising them not to use Library property for that purpose.

- b. Explore the feasibility of installing fencing between the school and the library to ensure the safety and security of students and school property and to discourage use of Library property as a pick-up and drop-off point.

- c. Upon receiving adequate information from either the Auburn Police Department or the Placer County Library, the Auburn Union Elementary School District will assist the Auburn Police Department and the Placer County Library in identifying students who, through their actions and/or oral statements, prevent library patrons from using and/or enjoying library facilities and will discipline any of its students who violate school rules provided the violation(s) meets the following criteria enumerated in California Education Code 48900¹:

(r) A pupil may not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:

- (1) While on school grounds.*
- (2) While going to or coming from school.*
- (3) During the lunch period whether on or off the campus.*
- (4) During, or while going to or coming from, a school sponsored activity.*

- d. Assist the Library in developing Library staff training to implement this MOU.

¹ <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=48621918194+0+0+0&WAISection=retrieve>

- e. Collaborate in the planning and implementation of additional measures necessary to ameliorate the problem of misbehaving juveniles and to ensure the safety and comfort of the general public.

2. THE AUBURN POLICE DEPARTMENT SHALL:

- a. When the Auburn Police Department receives a report regarding misbehavior, criminal or disciplinary in nature, by juveniles at the library, the Police Department will respond in the most timely manner possible, with due regard to public safety and call-for-service priority.
- b. If an offender can be cited, removed, or arrested pursuant to a violation, the Police Department will act accordingly.
- c. Extra patrol checks of the Library will be conducted by patrol officers, as feasible, in regard to calls for service and staffing, during the hours of 0730-0800 hours and 1400-1700 hours. These checks will be logged as a CAD incident.
- d. The Police Department will provide volunteer staffing, on an intermittent basis, during the aforementioned hours, to the library. These volunteers will be tasked with education of parents as to the lack of supervision, applicable laws, and rights to pass at the library and on County property.
- e. The Police Department, when possible, will provide directed parking enforcement, via Community Services Officers, to the Library, at specified times and dates.
- f. Assist the Library in developing Library staff training to implement this MOU
- g. Collaborate in the planning and implementation of additional measures necessary to ameliorate the problem of misbehaving juveniles and to ensure the safety and comfort of the general public.

PLACER COUNTY SHALL:

- a. Maintain library services and programs available to after-school students and school staff who wish to use the Library
- b. Develop and post Rules of Conduct that outline unacceptable behaviors for library visitors
- c. Develop procedures for progressive intervention when the Rules of Conduct are violated, including contacting the E.V. Cain School or the Auburn Police Department when necessary.
- d. Post appropriate signage inside the Library and on Library grounds to designate parking for Library customers and to prohibit activities that are unsafe or in violation of applicable ordinances.
- e. Develop training to ensure that Library staff is able to implement this MOU, in collaboration with the Auburn Police Department and E.V. Cain School.

- f. Collaborate in the planning and implementation of additional measures necessary to ameliorate the problem of misbehaving juveniles and to ensure the safety and comfort of the general public.

D. ALL PARTIES AGREE TO THE FOLLOWING:

MODIFICATION. Modifications within the scope of the MOU shall be made by mutual consent of the parties, by the issuance of a written modification, signed and dated by all parties, prior to any changes being performed.

2. **PARTICIPATION IN SIMILAR ACTIVITIES.** This MOU in no way restricts the AUESD or the County of Placer from participating in similar activities with other public or private agencies, organizations, and individuals.
3. **TERMINATION.** Any of the parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration.
4. **PRINCIPAL CONTACTS.** The principal contacts for this MOU are:

*Auburn Union Elementary School
District*
Michele Schuetz, Superintendent

Phone: 530-885-7242

530-885-5170

E-Mail: mschuetz@auburn.k12.ca.us

E.V. Cain School
Laurie Hockenson, Principal

E.V. Cain School
Sean Shaw, Vice-Principal

Phone: 530-823-6016

530-823-0943

E-Mail: lhockenson@auburn.k12.ca.us

Phone: 530-823-6016

FAX: 530-823-0943

E-Mail sshaw@auburn.k12.ca.us

Placer County Library
Mark R. Parker, Director of Library
Services

Placer County Library
Sushila Mertens, Children's Services
Manager

Phone: 530-886-4551

Phone: 530-886-4520

FAX: 530-886-4555

FAX: 530-886-4555

E-Mail: mparker@placer.ca.gov

E-Mail smertens@placerlibrary.org

Auburn Police Department
Joseph Rangel
Detective

Chris Reams
Detective Sergeant

Phone: 823-6106 x114

823-4234 X 221

FAX: 823-4224

823-4234

E-Mail: jrange1@auburn.ca.gov

creams@auburn.ca.gov

5. **NON-FUND OBLIGATING DOCUMENT.** This MOU is neither a fiscal nor a funds obligation document. Any endeavor or transfer of anything of value involving reimbursement or contribution of funds between the parties to this MOU will be handled in accordance with applicable laws, regulations, and procedures including those for Government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate authority. This MOU does not provide such authority. Specifically, this MOU does not establish authority for noncompetitive award to the cooperator of any contract or other agreement. Any contract or agreement for training or other services must fully comply with all applicable requirements for competition.
6. **MEETINGS / REVIEW OF MOU.** The Parties agree to meet and review the implementation of this MOU not less than annually before the start of each school year and quarterly during the school year.

7. ADDITIONAL MEASURES. The Parties agree to meet and discuss, as needed, the development of security or traffic management measures including, but not limited to, public relations activities, fencing between the School and the Library, deployment of video or other surveillance, development of joint programming to ensure student safety and appropriate behavior, other joint programming of mutual interest, and other activities that will promote access to the library for the community and appropriate student usage of the Library.

8. COMMENCEMENT/EXPIRATION DATE. This MOU is executed as of the date of last signature and is effective through June 30, 2011, at which time it will expire unless extended.

9. MUTUAL INDEMNIFICATION. AUESD shall indemnify, hold harmless, and defend Placer County and the Auburn Police Department, their trustees, officers, employees and agents against and from any and all claims, demands, actions, suits, losses, liability, expenses and costs for any injury, death or damage to any person or property arising from the conduct of the AUESD in the performance of this MOU.

The Auburn Police Department shall indemnify, hold harmless, and defend AUESD and Placer County, their trustees, officers, employees and agents against and from any and all claims, demands, actions, suits, losses, liability, expenses and costs for any injury, death or damage to any person or property arising from the conduct of the Auburn Police Department in the performance of this MOU.

Placer County shall indemnify, hold harmless, and defend AUESD and the Auburn Police Department, their trustees, officers, employees and agents against and from any and all claims, demands, actions, suits, losses, liability, expenses and costs for any injury, death or damage to any person or property arising from the conduct of the Placer County in the performance of this MOU.

9. GOOD FAITH EFFORTS. The AUESD, Auburn Police Department and Placer County will proceed in good faith and use best efforts to fulfill their responsibilities under this MOU. If a party believes that the other Party has violated this MOU, they shall contact the designated representative of the other party to discuss this issue. The parties shall attempt in good faith to resolve the issue.

10. MOU ONLY FOR THE BENEFIT OF THE PARTIES. Violation of this MOU shall not give any entity, not a party to this MOU a right to damages, injunctions, or other judicial remedies.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last written date below.

Auburn Union Elementary School
District
Michele Schuetz, Superintendent

Placer County

Tom Miller, County Executive Officer

Michele Schuetz 8-24-06
DATE

Tom Miller 9/5/06
DATE

Auburn Police Department
Valerie Harris, Chief of Police

Valerie Harris 9/26/06
DATE

DATE

Appendix G

TEENS



USE THE RESOURCES AT YOUR LIBRARY TO LEAD AN ACTIVE LIFE.

Dance Dance Revolution

3 - 4:30 p.m. @

Auburn Library Tuesday October 17
 Rocklin Library Wednesday October 18
 Granite Bay Library Friday October 20

Receive 5 tickets at each library
 Participants must be in 6th-12th grades

YOU MAY WIN THE GRAND PRIZE

Behringer V Tone Guitar Pack
 DONATED BY ENCORE MUSIC, AUBURN
 Drawing November 15th

Placer County Library
 350 Nevada Street
 Auburn, CA 95405

Programming Info
www.placerlibrary.org
 530 886-4511



OCTOBER 15-21, 2006



GET



ACTIVE

@your library



Official Passport

TEEN READ MONTH

October

2006

Placer County Library

10 tickets for getting your first Placer Library Card

5 tickets for every book review form filled out

5 tickets for visiting the Placer County Library Teen Website

<http://www.placer.ca.gov/Library> and emailing the answer to the question:

What famous teen author is on the Teen Read podcast?

- 5 tickets for participating in the Teen Online Book Club
- 5 tickets participating in the Library Dance Dance Revolution event @ Your Libr
- 5 tickets to any participant/ 10 tickets for costume at the Teen Advisory Board' October 25 - Book Character Costume Party @ Auburn Library (For 6-12 gra

Book Character Costume Party

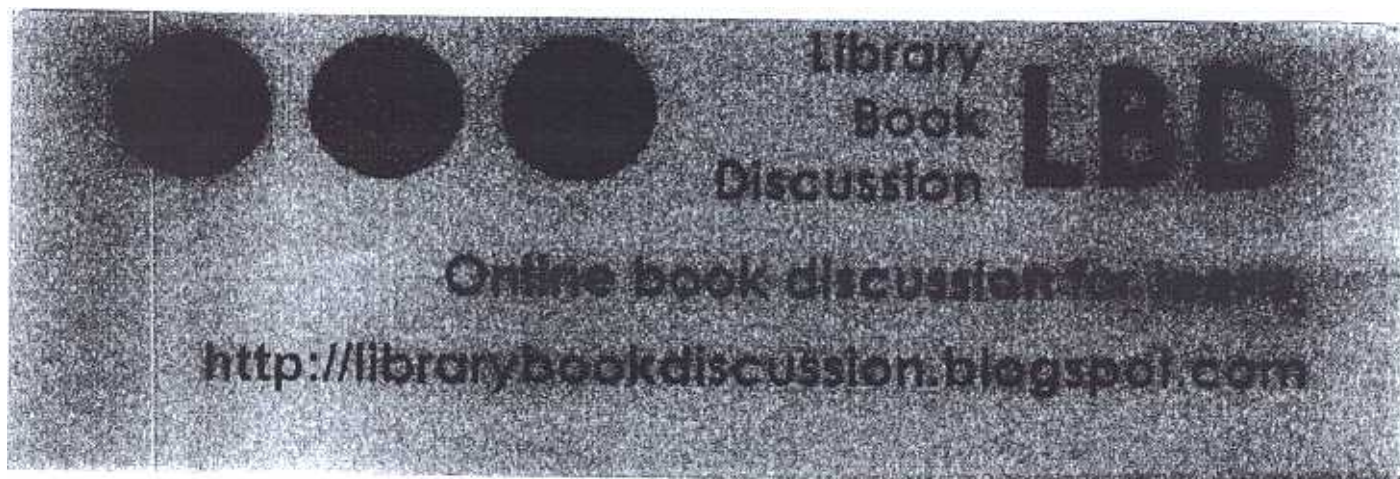
Wednesday October 25

3:30 - 4:30 p.m.

@ The Auburn Library

Must be in 6th-12th grades ***** FREE PIZZA

5 tickets to any participant or 10 tickets for costume - Drawing for Electric Guitar and amp on Nov 15.



Appendix H

PLACER COUNTY LIBRARY RULES OF CONDUCT

The people of Placer County support the Placer County Library and expect it to be clean, comfortable, and safe. The Placer County Library Advisory Board is responsible for establishing Rules of Conduct.

The following are examples of conduct not allowed on Library property:

- Failure to comply with a reasonable staff request.
- Any activity that violates Federal, State, or local laws
- Engaging in behaviors or activities that are disruptive to the use of the Library by other customers.
- Harassing or verbally or physically threatening other customers, volunteers, or staff, including stalking, staring, lurking, or offensive touching.
- Trespassing in non-public areas or being in the Library before or after public hours without the permission of an authorized Library employee.
- Running, pushing, shoving, or throwing things.
- Disruptive noises, such as loud talking or electronic devices without earphones that disturb others. Examples: music players or cell phones.
- Using restrooms for bathing or laundry.
- Entering the Library barefoot, without a shirt, or being otherwise dressed so as to be disruptive to the Library environment.
- Offensive odor or personal hygiene that is objectionable to other Library customers or to Library staff.
- Consuming food or beverages in public areas of the Library not authorized by the Library Advisory Board.
- Moving Library furniture from where it is placed by Library staff.
- Sleeping or lying down in the Library.
- Neglecting to supervise children or failing to pick up children when the Library closes to the public. Children under 9 must be supervised by a person 14 years of age or older.
- Storing possessions, such as backpacks, in a way that creates a hazard to others.
- Violating the Library's Internet Usage Policy

Failure to comply with the County's or the Library's rules and policies may result in termination of Library privileges and exclusion from the Library for a period of one day to one year, or an arrest or prosecution.

Appendix I

MEMORANDUM OF UNDERSTANDING
Auburn Police Department
By and between Boys & Girls Club of Auburn

The Auburn Police Department (herein after referred to as "CITY") and the Boys & Girls Club of Auburn (herein after referred to as "CLUB") do hereby agree to the following Memorandum of Understanding (MOU).

WHEREAS, CLUB is desirous of having certain special services performed in support of it's after school programs and educational function, and;

WHEREAS, CITY is qualified and desirous of performing such services in support of its community law enforcement goals;

NOW, THEREFORE, in consideration of the mutual promises and agreements herein contained, it is agreed by and between the parties hereto as follows:

1. **SCOPE OF WORK.** CLUB hereby partners with the CITY to provide law enforcement resources and services to students as part of the CLUB's after school program. The following is a general breakdown of services to be provided by the Auburn Police to each of the CLUB sites as listed. Services are generally provided while CLUB is in session.

A Skyridge School, Alta Vista School & E. V. Cain Middle School

- Provide after school programs at CLUB a minimum of six (6) times per year of generally at least thirty (30) minutes duration with an example of topics that may include:
 - After school safety
 - Domestic violence awareness
 - Gang resistance education and training
 - Drug awareness resistance education
 - Sexual predator awareness
 - Community Oriented Policing and crime prevention
 - Civic responsibilities and peer pressures
 - Other specified topics as agreed upon by CITY and CLUB

Assist CLUB staff as requested in talking to and appropriately referring students with special issues relating to the above

- Develop partnerships with school and CITY and CLUB members to enhance crime prevention in the community

2. **PAYMENT** All services performed by CITY will be provided as a match contribution to offset grant monies acquired.

3. **LOCATION OF WORK** All service to be performed by CITY is to be performed at specified CLUB sites.
4. **TERM AND CANCELLATION**. This MOU shall continue in full force and effect until terminated by either party upon the giving of ten (10) days advance written notice. Such notice shall be personally served or given by United States Mail.
5. **MODIFICATIONS**. This MOU may be amended in whole or part, in writing, by action of the CITY and CLUB.
6. **HOLD HARMLESS AND INDEMNIFICATION**. Each party hereto shall indemnify and hold the other party harmless from all liability for damage, including attorney fees, actual or alleged, to persons or property arising out of or resulting from negligent acts or omissions of the indemnifying party or their agents and employees.
7. **INSURANCE**. Both CITY and CLUB shall maintain at all times during the performance of this MOU, through self insurance or otherwise, the following insurance coverage in their own behalf: General Liability Insurance, Worker's Compensation Coverage, and Comprehensive Automobile Liability Insurance.
8. **EFFECTIVE DATE**. The effective date of this MOU is January 1, 2007

BOYS & GIRLS CLUB OF AUBURN

Patrick McKee
By: Patrick McKee
Board President of CLUB

Date: 10-30-06

CITY OF AUBURN POLICE DEPARTMENT

Valerie E. Harris
By: Valerie E. Harris,
Auburn Police Department, Chief of Police

Date: 10/30/06

Appendix J

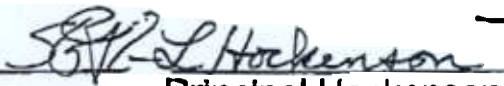
Safe Library Coalition

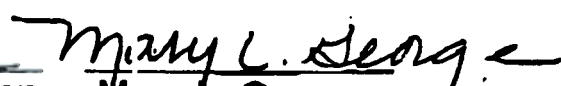
Our library is experiencing substantial student behavior problems. In an effort to return the Library to a valuable resource facility for all, Library Personnel, E.V. Cain Staff, and the Auburn Police Department are working together to solve the problems. We are hereby advising those persons that use the library facility, of the types of behavior that will be our focus at the library.

1. The library is absolutely not a student pick up area for students at E.V., Cain school.
2. Students who wish to use the library resources should enter the facility and follow the library rules of conduct.
3. Students who "hang out" at the library that cause any disrespectful behavior will be asked to leave. Any delay in that will cause a police response that can result in arrest if the problem persists.
4. In addition problem causing individuals will be identified and a long term trespassing order will be issued.
5. Students of E.V. Cain will face discipline from the school if they cause problems at the library.
6. Police Officers will proceed with full prosecution for any criminal offenses including trespass and vandalism.

Lets all work together; citizens, school officials, library staff, police officers, students, and parents, to make our library a safe resource for all.


Sgt. Chris Reams
Auburn Police Department


Principal Hockenson
E.V. Cain School


Mary L. George
Library Supervisor

Appendix K

TIME TRACKER DS-06

RULES & PROCEDURES

This time tracker will be used by the student to organize their school day, record information for class and school assignments and activities, and review the rules of the school. It is important that students keep track of daily class assignments and homework. Student hall passes are also contained in this time tracker. If effectively used, this time tracker will help develop skills of organization that may be used throughout their life.

ATTENDANCE

Arrivals and Pick Ups

Students will go immediately to the areas outside the MPR upon arrival on campus. Students should not arrive earlier than 7:40 a.m.. Students are not allowed in the school buildings before 8:00 a.m. without a pass. Parents are to use the drop off areas on campus. Parking areas by the science rooms are not an acceptable area for student drop off. Dropping students off at the library or at local businesses is strongly discouraged. Students who are dropped off and picked up outside of the E.V. Cain campus are subject to school discipline if their behavior is found to be unacceptable. The alley area between E.V. Cain and Staples Plaza is private property and students are not allowed to loiter in this area. Students are not to remain on campus past 3:00 p.m. unless directly under the supervision of an E.V. Cain staff member, or signed into the Boys and Girls Club.

Tardy Arrivals

Students who arrive late to school will report to the office. A tardy student will not be allowed to enter a class without a Tardy Slip. Only a medical appointment or an illness constitute an excused tardy. On the student's fourth unexcused tardy, the student will receive a 2 point citation. For each tardy thereafter, the student will receive a 2 point citation. This process will start again for each quarter.

Reporting Absences

It is the responsibility of the parent/guardian to report the absence of a student the day of the absence. The attendance phone number is 823 - 6106 ext 1. If this is not possible, the student must bring a note to the office upon his/her return to school. The note must include the reason for the absence.

Note: The only absences that are excused are because of illness or unavoidable medical appointments. All other absences, even with parental permission, are classified by the State of California as unexcused.

Precarranged Absences

The education code recognized the need for precarranged absences based on justifiable reasons. At least three days prior to this type of absence, a request must be made by a parent/guardian and the absence must be approved by the school administration. Absences of five days or more require a Travel Study form to prevent loss of learning and loss of revenue. The Travel Study form must be completed

and returned within three days after a student's return. Any absence that is not excused or precarranged in a timely manner will be considered unexcused and/or a truancy.

NOTE: The education code of the State of California states that illness and/or medical and dental appointments are considered excused absences.

LEAVING SCHOOL DURING SCHOOL HOURS

Closed Campus Policy

Once students arrive at school they must remain on campus until the end of the school day. Students are not to leave campus even if their parents drop them off early before school starts. This includes going to the public library, Staples shopping center, or anywhere. The following exceptions apply.

Appointments

If a student must leave school for any reason during the school day, a note must be delivered to the office before school starts. Parents picking up students will visit the office to sign the student out. The student will then report to the office for departure from school. Students may not be removed directly from class for any reason. Students will not be sent to the office until the parent is present in the office to pick them up.

Illness

Students who become ill or receive an injury will obtain a pass from his/her teacher to report to the health assistant. Students who leave school due to an illness or injury will sign out at the office. Students who are too ill or injured will remain in class until the proper medical help arrives. Students must report all injuries to the health assistant. The Health Clerk is at E.V. Cain throughout the school day.

Field Trips and Extracurricular Activities

Students leaving campus as part of a school activity must have the proper permission forms completed and turned in before departure from campus. Students must have zero citation points three days before the field trip to be able to attend.

PASSES

Students will use passes when it is necessary to leave the classroom during class periods for any reason. The time, date, reason, and teacher signature will be noted on the pass. Hall passes, before school and lunch passes can filled out in the time tracker.

EXCUSED FROM PHYSICAL EDUCATION

A student may be excused from physical education for a total of three days at the request of a parent. The request must be in writing and include the following:

student's full name
explanation of illness
home and work number
parent signature

This note must be given to the P.E. teacher at the beginning of class. Any excuse from physical education for more than

Appendix L

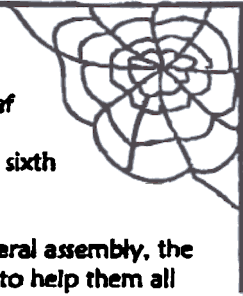
06-07

Where Everybody Belongs

WEB is a middle school transition program that welcomes sixth grade students and makes them



feel comfortable throughout the first year of their middle school experience. Built on the belief that students can help students succeed, WEB trains members of the eighth grade to be WEB leaders. As positive role models, WEB leaders are motivators, leaders and teachers who guide sixth grade students to discover what it takes to be successful in middle school.



A year with WEB begins with a spirited orientation at the start of the school year. After a general assembly, the WEB leaders lead their group of sixth grade students through a series of fun, positive activities to help them all get to know each other as well as learn important campus information.

The excitement continues. WEB leaders and the sixth grade students will be involved in activities that help build connections, positive relationships and academic success. GET CAUGHT IN THE WEB!

After School Programs

Power Hour tutoring program is available, free of charge, to all students. Parent permission is required. Either contact your son's/daughter's teacher for details, or call the main office at 823-61116.

Boys & Girls Club is available, for a nominal fee, to all students. Parent permission and registration is required. Applications are available in the main office. You may contact the Boys & Girls Club of Auburn at:

1103 High Street

Auburn, CA 95603

530-889-2273

<http://www.bgc-auburn.org/>

Arrival/Departure

Please refer to the Bell Schedule for arrival and departure times. Students are welcome on campus at 7:40 a.m. Please do not arrive before 7:40 a.m., as there is no adult supervision until that time.

Bus riders will unload/load in the bus lane parallel to Wildcat and Dragila Gymnasiums. Students riding home in a car need to be picked up in front of the school. Parents should remain in their vehicle when picking up their student.

Dropping students off at the library or at local businesses is strongly discouraged. Students who are dropped off and picked up outside the E. V. Cain Middle School campus are subject to school discipline if their behavior is found to be unacceptable. Students are not to remain on campus past 3:00 p.m. unless under the direct supervision of an E. V. Cain staff member, or signed into the Boys and Girls Club.

Appendix M

E.V. Cain Middle School

CAT PAUSE

September 19, 2005

Laurie Hockenson, Principal Shawn Shaw, Vice Principal



From Mr. Shaw, Vice Principal

Placer County Library Concerns

Some students have made the poor choice of not acting appropriately while at the Placer County Library after school. Please remember that students can be cited by the Auburn Police Department for disruptive behaviors. Thank you for your cooperation and support.

Progress Reports – CHANGE!

Due to a district inservice in which 6 of our teachers will be participating we are sending progress reports home with students on Friday, September 23. Parents will need to sign the progress report and students will be required to bring the signed report back to school on Monday, September 26. Please remind your child to bring the progress report back on Monday, Sept. 26.

Target Visa Reimbursement

Please name E.V. Cain as your school of choice if you have or apply for a Target Visa Card. A percentage of your shopping total will be donated to the school at no cost to you. If you already have a Target Visa you can visit Target.com/tcoe to name E.V. Cain as your designee. Thank you for your support.



P.T.C.

Keep those envelopes coming! The PTC membership drive will end on September 30.



Family memberships are \$25.00 and donations are welcome. Thank you for your support.

PTC Meeting Sept. 27 at 7pm Room 5

Hurricane Katrina



Students from E.V. Cain are doing their part to help with the aftermath of Hurricane Katrina. On Friday, September 7 the Leadership Class sponsored a "Dollar Days" fundraiser. During this one simple project students raised nearly \$825.00. Proceeds from the Back to School dance on Friday, September 16 will also be donated to Katrina Relief.



NOTICE

The Auburn Union School District Board of Trustees will conduct a **Public Hearing** on September 27, 2005 to provide district staff, bargaining unit leaders, parents, members of the community interested in the affairs of the school district, and constituents an opportunity to make public comment of the adequacy of the number of instructional materials for each student consistent with the content and cycles of the curriculum framework adopted by the State Board of Education. The **Public Hearing** will be held at 7:30 p.m. at the District Office, 255 Epperle Lane. Please contact Michele Schuetz, Superintendent, at (530) 885-7242 extension 5811, for further information.

E.V. Cain Middle School

CAT PAUSE

March 6, 2006

Laurie Hockenson, Principal Shawn Shaw, Vice Principal



From Mrs. Hockenson

Parents, I need your help! We are still receiving complaints about a few students misbehaving after school hours at the County Library. If you need a safe place for your child to wait after school I hope you would consider enrolling your child in the Boys & Girls Club here on campus. Help with homework, snacks and recreation is provided in a well supervised manner. Of course, your children are always welcome at the County Library should they choose to follow the library rules and study or visit quietly. The Auburn Police Department may be called to speak to students and parents whose children continue to cause a disturbance at the library. Thank you for your vigilance on this matter.

Third Quarter Conferences

All of our teachers are available to conference with parents during the minimum days March 21-24. If you would like to conference with a teacher please send him/her a note, email or voice mail indicating which day might be best for you to get together. The staff will be happy to meet with you as needed!

Report Cards

Report cards for the third quarter will be sent home via the students on Monday, March 20. As always, please sign one copy of the report card and send it back to school with your student. Thank you!

Yearbooks for Sale

There is still time to order your 2005-2006 EVC Yearbook! Cost is \$35.00 for the book and if you would like for an additional \$4.00 your student can have his/her name on a plaque in the yearbook! Supplies are limited and last year we ran out! Come to the office to purchase/reserve

your copy today. (Checks can be made payable to EVC.)

Spring Pictures

The school photographer will be returning to school during all 3 lunch periods on Friday, March 10. ONLY those students with payment will be photographed. Price sheets have been sent home, call the office if you didn't get one.

Auburn Education Foundation St. Patrick's Day Dinner

Mark your calendars early so you can save March 17 for the AEF's annual Corn beef & cabbage dinner at Skyridge School. Tickets will be on sale soon – save the date.



Spring Sports Try Outs

Spring sports are just around the corner! Interested students need to stop by room 13 this week for permission slips for the following sports: Girl's Softball (slow pitch), Boy's Volleyball and Track & Field. These are the last sports teams of the year so be a participant not a sideline slouch! All tryouts will be held the week of March 12th.

DATES

March 7-10 Mrs. Maggini's class trip
March 7-10 Mr. Gail's class trip
March 9 Renaissance Fair Parent Meeting
March 10 End 3rd Quarter
March 10 Spring Picture Day
March 13 Begin 4th Quarter
March 17 Report cards sent home
March 17 AEF Dinner at Skyridge School
March 20-24 PTC Book Fair
March 21 – 24 Minimum Days
March 28 PTC meeting 7pm
March 30 School Site Council meets

E.V. Cain Middle School

CAT PAUSE

August 21. 2006

Laurie Hockenson, Principal Shawn Shaw, Vice Principal

WELCOME



From Mrs. Hockenson

We had a very smooth opening day of school and are excited to get the year underway. I have enjoyed meeting new students and parents and catching up with families I met last year!

This year our students will be learning in teams. I am very excited about this transition. There are many benefits to the teaming approach to teaching. Teaming creates a positive learning environment where collaborating teachers maintain a well structured consistent setting. The teachers will meet regularly to discuss ways to help each of the students on the team. If you ever have any questions about your child's progress at EVC do not hesitate to give the teachers or me a call ~ we're all here to help.

I would like to invite all parents to attend our Back to School Night on Thursday, August 24 from 6:30 – 8:30 pm. Come to school, follow your child's schedule and hear your child's teacher's plans for the upcoming school year! We are sending home a form for your child to write his/her schedule on so that you will know which classes to attend and when – be sure to bring that with you on the 24th.

Please check out our new EVC Website created by our Webmaster, Tom Sarradet. Simply go to "E.V. Cain" to access basic information about E.V. Cain Middle School, including programs, calendar events, services, policies and procedures.

We are also very excited to be recipients of a Project Fit America grant. Physical fitness equipment, both indoor and outdoor, training for staff and students, and a curriculum will be provided. Students are not to go in the area to use the fitness equipment until the project has been completed and they have received training in their Physical Education classes. We encourage you to explore the Project Fit America website to read more about this exciting project. <http://www.projectfitamerica.org>

PTC News

The annual PTC Membership Drive begins Tuesday, September 5. They will be sending home a flyer soon.

The PTC holds meetings at 7:00 pm the last Tuesday of each month. They welcome your attendance as well as your input. Please come to a meeting!

Sports News

Girl's Volleyball and Flag Football tryouts start Monday, August 21st after school. Tryout forms are available in the office or from their teachers.

EVC's Athletic Department is looking for approximately six dedicated parents who would be willing to help start a booster club for our athletic program.

We are also looking for a coach for our 7th grade flag football team. If you are interested in either of these opportunities, please contact Mr. Shaw at 823-6106 or sshaw@auburn.k12.ca.us.

After School Pick Up

Please refrain from using the County Library's parking lot as a pick up or drop off area. Our drive thru lanes work quite smoothly and we supervise the children here. Students are welcome to use the library as a quiet study facility after school, but unruly children may be cited by the Auburn Police Department. Thank you for your support.

Attendance Line



When your student is absent please call them in absent at 823-6106 extension 1 to report them absent.

Boys & Girls Club

Do you need a supervised environment for your child after school? The Boys & Girls Club offers an after school program right here on our campus! Students receive an after school snack, help with homework and have fun all in a well supervised environment. The program begins on Tuesday, September 5. For enrollment information call the Down Town Club at 889-2273

E.V. Cain

CAT PAUSE

August 28, 2006

Laurie Hockenson, Principal Shawn Shaw, Vice Principal



From Mrs. Hockenson

We had a great turn out at our Back to School Night on Thursday, August 24. It is heartwarming to see so many parents involved in their child's education! Thank you for coming!

Language Arts

In this week's Holt Literature & Language Arts suggestions located in the "At Home a Guide to Standards Mastery", it focuses on improving your child's study skills. It makes three recommendations:

1. Set a consistent time and place free of distractions.
2. Set study goals by using a "Study Goals Worksheet" (i.e., Time Tracker).
3. Utilize the following study tips for your child:
 - A. Work in a quiet place.
 - B. Gather all needed materials before starting the assignment.
 - C. When work is finished, pack up book bag for the next day.

PTC News

The annual PTC Membership Drive starts today, August 28th. A flyer will be sent home – please join!

The PTC holds meetings at 7:00 pm the last Tuesday of each month. They welcome your attendance as well as your input. Please come to a meeting!

Attendance Line



When your student is absent please call them in absent at 823-6106 extension 1 to report them absent.

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Please refrain from using the County Library's parking lot as a pick up or drop off area. Our drive thru lanes work quite smoothly and we supervise the children here. Students are welcome to use the library as a quiet study facility after school, but

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EVC's Athletic Department is looking for approximately six dedicated parents who would be willing to help start a booster club for our athletic program. If you are interested in either of these opportunities, please contact Mr. Shaw at 823-6106 or sshaw@auburn.k12.ca.us.

School Donations

Due to limited budgets this school year we are offering the following suggestions for parents who want to help out. By donating the following items to school you could help us save valuable funds. If you choose to donate, please send your items to the office and we will disburse them as fairly as possible. We could use white bond/copier paper, binder paper, pencils and Kleenex. Thank you for your support.

Boys & Girls Club

Do you need a supervised environment for your child after school? The Boys & Girls Club offers an after school program right here on our campus! Students receive an after school snack, help with homework and have fun all in a well supervised environment. The program begins on Tuesday, September 5. For enrollment information call the Down Town Club at 889-2273

E Mail

Did you know you can get this newsletter via email? Simply send an email to CatPause@wizwire.com with the word "subscribe" in the subject line.

Picture Make Up Day

All students were photographed for ID cards on Friday, August 25. If you missed your chance to purchase pictures or do not like the pictures when you receive your package make up day will be Friday, September 29.

I.D. Cards

Allegations and Accusations Sizzle in the NFPD Firehouse

Newcastle Fire Protection District

SUMMARY:

The Placer County Grand Jury conducted an extensive investigation into the operations of the Newcastle Fire Protection District following the receipt of a citizen's complaint about violations of California's Brown Act and staffing at the Scotts Flat Substation. During its investigation of the initial complaint, the Grand Jury identified several other management issues such as a disunited board of directors, a dilapidated physical plant, and morale issues among the fire fighters.

BACKGROUND: (Purpose of the report)

In August 2006, the Placer County Grand Jury received a citizen's complaint regarding the Newcastle Fire Protection District (NFPD). The complaint alleged that meetings of the NFPD board of directors were not being conducted consistent with California's Brown Act, the law that governs openness of public agency meetings. It specifically alleged that (1) without notice, the board decided to reduce the wages of the fire fighters in a meeting closed to the public and (2) the board wasted public funds by defaulting on a long-term contract to buy a steel building. (See Appendix A.)

METHODOLOGY

The Grand Jury conducted interviews with:

- Four fire fighters.
- The NFPD Fire Chief. (Chief)
- Three of the five members of the current NFPD board of directors.
- Two private-citizen residents of Newcastle.
- Two members of the Penryn Fire Protection District's board of directors.

During the investigation, the Grand Jury made field inspections of NFPD fire stations and attended NFPD board meetings. The Grand Jury also obtained copies of and reviewed NFPD board meeting agendas and minutes for June through August 2006.

FACTS:

Prior to June 30, 2006, full-time fire fighters were paid on a modified monthly salary basis that allowed individuals to swap hours or shifts. Part-time employees were paid on an hourly basis up to \$8.50 an hour. Special provision was made for a “sleeper shift” in which some employees could sleep in the firehouse and receive \$15 for the night and an additional \$5 an hour if they had to respond to a fire. Since this system did not accurately reflect the hours or days worked, it was impossible to compute benefits, taxes, holiday pay, or overtime remuneration accurately. During the interview process, several members of the NFPD noted there are lawsuits pending over back pay issues.

The Grand Jury found through interviews that effective June 30, 2006, the wages paid were set at \$7.50 per hour for fire fighters, \$7.75 per hour for engineers, and \$8.50 per hour for captains. These figures were computed by normalizing the average NFPD fire fighter salary to the industry standard 212-hour month. This action actually resulted in a small raise for full-time employees but a significant cut for part-time employees. (See Appendix B.) The board did not realize it had cut the pay of some part-time fire fighters. Even after these changes were made, there continued to be problems with payroll and time cards.

The Grand Jury was unable to verify that the NFPD board agenda for June 8, 2006, had been publicly posted prior to the meeting at which the salary structure was modified. However, both current and previous board members observed it was standard practice to post agendas three or more days in advance at both the Newcastle post office and the main Newcastle fire station. During this meeting a revised pay scale was defined in a closed session and announced when the board reconvened in a public session, followed by immediate adjournment without public discussion. This and the actual enabling resolution, passed at the July 13th meeting were correctly documented in the corresponding minutes. (See Appendix C.)

Grand Jury members attended the fire district board meetings and noted that they were very lengthy, exceeding four hours. A review of board meeting minutes and discussions with several witnesses confirmed that long meetings are common. Lengthy discussions that were not pertinent to the agenda led to meetings not being conducted in a timely fashion.

When pushed, the board is capable of making difficult but professional decisions. For example, in 2004 NFPD was offered a donation of land for a new fire station. The 2004 board accepted the offer and made a substantial investment in a steel building for the site. The donation fell through, and the 2006 board had to decide to continue paying for a building it could not use or even store. Rather than throw more money away, it made the tough decision to cancel the contract and forfeit its large down payment. While NFPD runs on a very tight budget, its board has learned to manage with the funds available.

The five-member NFPD board is contentious and divided on many issues. The board chairman and one other member are very critical of the Chief. In one board meeting, a letter from the board chairman to the Chief was read. The letter was highly critical of the Chief. The other board members present had no knowledge of the letter, or its contents, prior to the reading. The letter was not discussed within the board first because the Chairman didn't trust one of the other members. The reading was cut short as it was deemed inappropriate to discuss personnel matters in open session. The entire letter became public when the Chief later offered a widely distributed point-for-point rebuttal. (See Appendices D & E.)

The Chief is not an NFPD employee. NFPD has contracted with the Penryn Fire Protection District for administrative and operational services and pays Penryn \$30,000 for half of the Chief's time. (See Appendix B.) It was obvious during the interview process that the current NFPD board is unclear about its expectations of the contract. One board member stated he had spent four months working almost full-time to develop the spreadsheets the NFPD board needed to make administrative decisions. He never considered the Chief was on a half-time contract. This same task would have taken more than seven months of the Chief's time if operational and other administrative duties could be ignored. The NFPD board is split over continuing the contract, arguing internally over value received. The fire fighters, however, appreciate the Chief's operational focus and his attempts to upgrade the professionalism of the district.

Since the Chief oversees the operations of both the Newcastle Fire Protection District and the Penryn Fire Protection District, the Grand Jury interviewed the board chairman and one other member of the Penryn Fire Protection District board for a view of the inner workings of a similar sized fire district. Both gentlemen praised the Chief and were more than pleased with his work and competence. They highlighted his work in obtaining grants to finance a new fire station.

It was obvious during the Grand Jury's interviews with various NFPD board members and the Chief that the board was unclear about its own role in running the district. At times the board explores possible mergers with surrounding fire districts or works on developing a comprehensive five-year plan. At other times the board focuses on to which sub-account an expenditure should be charged. Outspoken board members were not ready to trust the Chief or even believe they were getting half of his time. (See Appendix D.)

NFPD has a volunteer secretary who reports to the board chairman, not the Chief. She volunteered for a year provided they gave her a private office outside the fire station. She has a full-time job and is only available at odd hours. The Chief has not had access to NFPD's records, not even a key to the office. Therefore, he could not oversee such things as time cards and the payment of invoices.

NFPD has an account with a local bank, pays its own bills, and has its payroll processed by an independent private firm. In contrast, the Penryn Fire Protection District does its banking through the Placer County Auditor-Controller. The county processes the payroll

and pays all bills that are approved by the Penryn board. Under this arrangement, Penryn requires a contract secretary for board meetings only.

The main Newcastle fire station is old and dilapidated. The building appears to be barely supported by a patched wooden skeleton. It is located on a tight, narrow street easily blocked by a single parked vehicle. Big fire trucks barely fit in the garage, and the building fills with diesel smoke when the trucks start up. Upstairs is a sleeping area for resident fire fighters and a makeshift office with little to no privacy.

Scotts Flat Substation is located east of the main fire station on Auburn-Folsom Road. According to the Chief, the district lacks adequate staffing to keep the station open forty hours per week as desired by neighboring citizens.

Morale has been an ongoing issue within NFPD. The Chief has instituted professional and safety standards such as the 2-in 2-out practice for on-scene fire fighter safety. Fire fighter morale has been improved with a neatness policy within the fire stations. However, morale has deteriorated due to pay issues. Morale of the fire fighters is low today, and this was confirmed in our interviews.

FINDINGS:

The Grand Jury was unable to observe any violations of the Brown Act. Through interviews with the Newcastle Fire Protection District board of directors, we were able to determine that they were aware of the Brown Act and its requirements for public and open meetings.

The fire fighters', engineers', and captains' wages were properly changed to an hourly basis. Their wages are now being paid in an appropriate and accountable manner. It appears that the fire fighters' and others' belief of their wages being cut stems from changes in hours assigned and worked. Some of the fire fighters have brought a lawsuit against the district, and this suit is currently pending litigation. The current pay scale is relatively low and works against the organization's efforts to attract and retain qualified personnel.

The morale of the fire fighters is low, and this problem combined with the low pay scales works contrary to the organization's efforts to attract and retain qualified personnel. Many of the morale issues are directly related to the tension between the NFPD board and the Chief.

The Newcastle Fire Protection District's board of directors does not function efficiently and sometimes can't function at all. The board meetings are contentious and very lengthy and do not appear to produce agreements commensurate with the time spent.

In the past, the NFPD secretary has been paid \$10,500. This year the secretary is working on a voluntary basis as long as she is provided with "good" office space. Next

year the NFPD anticipates paying a secretary \$10,500 per year as well as paying \$450 per month for office rental.

CONCLUSIONS/RECOMMENDATIONS:

- 1) The NFPD board must clearly delineate its role in setting policy and defining district practices. It is then the responsibility of the Chief to implement the board's directives. The board should not be involved in the day-to-day running of the district.
- 2) Public input on board decisions is critical. There should never be a question of timely agenda posting or meeting minutes availability.
- 3) The Chief should have access to and oversee the office and records. The secretary should report to him and not to the board of directors.
- 4) Eliminate or minimize the cost of the NFPD secretary position.
- 5) NFPD should attempt to have the County Auditor-Controller take over payroll processing and bill paying, the same way as the Penryn Fire Protection District handles their financial affairs.
- 6) The Newcastle board of directors should make every effort to make their relationship to one another more harmonious. This should lead to shorter and more productive meetings. Special attention should be directed toward the fire fighters' morale.
- 7) A very high priority should be placed on relocating or rebuilding the current NFPD fire station.
- 8) The issue of manning the Scotts Flat Substation on a forty-hour per week basis is one best left to the Chief.

REQUEST FOR RESPONSE (S):

The Grand Jury requests responses to its recommendations from the board of directors of the NFPD with respect to recommendations enumerated 1 through 8.

APPENDICES:

- A. Auburn Journal article "Fire fighters worth more than paycheck," published July 27, 2006.
- B. MOU between NFPD board and its fire fighters.
- C. Minutes of NFPD board meetings for June 8, 2006, and July 13, 2006.
- D. Bundy letter to Chief.
- E. Chief's response to Bundy letter.
- F. Agreement between NFPD and Penryn Fire Protection District to share a Chief, May 20, 2004.

Appendix A

[Print Page](#)

Print Date: Wednesday, February 14, 2007

Last modified: Wednesday, July 26, 2006 11:01 PM PDT

Firefighters worth more than paycheck

By: Penne Usher

Firefighting is an inherently dangerous occupation that requires working under extreme weather conditions and often little sleep. It should pay more than \$7.50 an hour.

That's what Newcastle firefighters are currently paid.

The men and women of Placer County fire departments respond to traffic collisions, medical calls, provide emergency medical treatment and respond to structure and wildland fires.

They wear roughly 70 pounds of gear, work heavy machinery and get to calls quickly and save lives. They risk their lives every day to save others. The three main goals in firefighting are protection of life, the environment and property.

Would you do all that for \$7.50 an hour?

I wouldn't. And it seems some firefighters in the county's smaller districts won't either.

Tom Carlisle, spokesman for the Auburn Fire Department, said his department will lose one of its best firefighters come Monday.

"Chris Bergquist is leaving for better pay," he said. "We've spent about \$5,000 training him over the past two years and he's moving on for bigger bucks."

Bergquist couldn't be reached for comment. He was working at his second job.

In hopes of retaining qualified firefighters, the Auburn Fire Department began negotiations with the city Wednesday. It may take months to learn the outcome of the discussion.

Starting pay for a firefighter in Auburn is \$3,780 a month for about 242 hours of work, which is, give-or-take, \$15 an hour. That's better than Newcastle but well short of south Placer fire district pay.

Just a few miles west in Rocklin, the same job will get you \$4,630 (about \$19 an hour), and in Roseville, \$4,215 (about \$17 an hour).

Firefighters in Newcastle, raking in about \$7.50 an hour (about \$1,815 a month), may consider relocating to more than double their monthly income.

Chief Dave Ebert, of the Newcastle and Penryn station, said the Newcastle Fire board is looking hard at the pay scale.

Full- and part-time firefighters now make \$7.50 and captains tip the wage scale at \$8.50 an hour.

"I've lost some part-time employees who went on to better jobs with better pay," Ebert said. "I had one full-time firefighter who worked full time in Penryn and part time in Newcastle leave to go to (the California Department of Forestry). They pay a lot more."

Part of the low-pay equation in Newcastle is that the area does not have a large tax revenue base. The town is small. In years past, the fire board has requested a property tax increase to add to the wages of firefighters. The voters didn't seem to think it was a good idea and didn't pass the measure.

Firefighters have to know a lot, including practices and procedures of firefighting, fire apparatus, equipment, tools, devices and their proper use.

In some cases they must have knowledge of current medical principles, practices and procedures related to emergency patient treatment and/or advanced life support.

Perhaps the powers-that-be will recognize the benefit the dedicated men and women of our fire departments provide and up the pay scale. At least then they aren't working two jobs to buy shoes for their kids.

I certainly don't want a firefighter exhausted from working a second job to respond if I'm in a crash.

Perhaps a career change is in order. Firefighters can always apply with Placer County as a lifeguard - it pays \$12.13 an hour - or become a custodian and bank up to \$2,500 a month.

The Journal's Penne Usher can be reached at penneu@goldcountrymedia.com.

[Close Window](#)

Appendix B

Newcastle Fire Protection District



P.O. Box 262
Newcastle, California 95656

Robert Bundy, Chair
Bill Calkins, Vice Chair
Bob Stearns, Secretary/Treasurer
John Brassfield, Director
Skip Elliott, Director

Dave Ebert, Chief

Glenda Freeman, Acting Secretary
Phone 916.663-3323
Fax 916.663-4563

NEWCASTLE FIRE PROTECTION DISTRICT
MEMORANDUM OF UNDERSTANDING
ON
EMPLOYMENT AND WAGES

Employment with the Newcastle Fire Protection District is employment at-will. Employment at-will means that an employee may resign at any time with or without advance notice to Newcastle Fire Protection District and with or without "cause". Likewise, Newcastle Fire Protection District may terminate any employee at any time with or without advance notice and with or without "cause". Except for the Newcastle Fire Protection District Board of Directors, no other Employee of the District has any authority to enter into any agreement for employment for any specific period of time or to make any agreement contrary to the foregoing. Only the Board of Directors of the Newcastle Fire Protection District has the authority to make any agreement contrary to the foregoing and then only in writing.

Employees at Newcastle Fire Protection District are generally classified as Full Time, Part Time, or Volunteer.

FULL TIME PERSONNEL: Are personnel who work a 28-day pay cycle, max 212 hours. They work a 48-hour shift, and then have four days off. Hourly wages for this position are based on the firefighter's position. Up to the 212 hours per 28 days, will be straight time pay. Overtime pay will begin after 212 hours per 28 days at time and a half.

PART TIME PERSONNEL: Are part-time employees who work shifts that need coverage per the Chief. Not to exceed two hundred and twelve (212) hours per 28 days. Hourly wages for this position are based on the firefighter's position. Up to the 212 hours per 28 days, will be straight time pay. Overtime pay will begin after 212 hours per 28 days at time and a half. Part Time Personnel may be assigned a work schedule in advance or may work on an as-needed basis.

VOLUNTEERS: Are qualified Firefighter, First Responders or EMT's who donate their skills and time to their community without a salary. They are required to attend regular training and meetings, and to respond to fire and emergency calls as available.

Employees of the District may be required to attend regular meetings and training and to maintain certain levels of expertise or qualifications for their position. Workman's Compensation Insurance, and such other benefits cover all employees of the District as the Board of Directors may from time to time authorize. Necessary deductions on wages including FICA, Medicare, Federal Tax, State Tax and State Disability Insurance will be regularly withheld/paid by the District as required by law.

Any employee of the District may be called upon to respond to other areas within the County, State or Country as a member of a Strike Team. While serving as an authorized Strike Team Member, an employee of the District will receive their standard rate of pay. Any hours accumulated over 212 hours in the 28-day pay cycle will be paid at the overtime rate of 1.5x.

I have read the above agreement, understand it contents, and agree to the terms and conditions as set forth.

Employee Name (Printed) _____

SIGNED: _____ DATE: _____

SOC.SEC. #: _____ DISTRICT: Newcastle Fire Protection District

Accepted by _____
Fire Chief of Newcastle Fire Protection District

Accepted by _____
Chairman, Board of Directors, Newcastle Fire Protection District

Revised: July 13, 2006

Appendix C

NEWCASTLE FIRE PROTECTION DISTRICT

Board of Directors Meeting

Minutes

June 8, 2006

STATION 41

Newcastle, California

Call to Order: Chairman Bundy called the Meeting to Order at 7:37 PM.

Roll Call: Attending Chairman Robert Bundy, Secretary-Treasurer Bob Stearns, Director John Brassfield, Director Skip Elliott, Chief Dave Ebert, and Acting Secretary Glenda Freeman. Absent Vice Chairman Bill Calkins.

Also in attendance: Residents Bill Fawx, Brian Mancebo Captain NF, Wayne Hickok Captain NF, Jay Love, Captain NF, Denny Viega and Jacob Poganski.

Pledge of Allegiance: was led by Chairman Robert Bundy.

Public Comment: No Public Comment

Approval of Minutes:

Minutes of the Board of Directors Meeting May 11, 2006 were presented. Secretary-Treasurer Bob Stearns moved that the Minutes be approved as presented. Motion was seconded and passed.

Financial Reports & Bill Approval:

Accounts Payables thru July 13, 2006 were reviewed for payment. Check #2208 code needs to be changed to 2000-503 Station Supplies.

Secretary-Treasurer Bob Stearns moved approval. Motion was seconded and passed.

Placer Sierra Bank General Account Reconciliation Summary Period Ending 4/30/2006 was reviewed and filed as presented.

California Payroll Concepts Payroll Summary for period 5/08/2006 thru 5/21/2006 was reviewed and filed as presented.

California Payroll Concepts Payroll Summary for period 5/22/2006 thru 06/04/2006 was reviewed and filed as presented.

Placer Sierra Bank Payroll Account Reconciliation Summary Period ending 04/30/2006 was reviewed and filed as presented.

United Auburn Indian Community Donation Report was reviewed. It was noted that Brush 41 is the Ford/CLRT. The Fire Pump cost \$9,102.89, which was received from Valley Power Systems, Inc. Report was filed as presented.

Placer Sierra Bank Savings Account was reviewed.

FEMA Grant Report was reviewed and it was agreed that Delta Wireless, Inc. and TEI are not expenditures of the Grant and need to be coded correctly. Director Brassfield suggested mid-year corrections to the Budget be considered as placeholders. Discussion was held regarding acquiring a Grant for Vehicle Exhaust Systems. The Report was filed as corrected.

UAIVC Grant for Vehicle Accident Response was reviewed and filed as presented.

Development Fees FY End 2005 Month 11 was reviewed. It was noted that interest on the Development Fees account must be credited to that account. This apparently has not been done; no interest entries have been noted on the Development fees Report for the past several years. Director John Brassfield requested that Interest from DEV FEE be posted to the report monthly. The Report was filed as presented.

3A
Reports to the Board:

Chief Dave Ebert present his June 2006 report to the Board (report attached)
He also reported that he has authorized WT 41 for a system check by Superior Equipment. He noted that he is scheduling the painting and exercising of fire hydrants with-in the NFPD.

Chief Ebert requested the authorization for four Resident Volunteers at a cost of \$2500 to provide them with necessary equipment and \$150 each for uniforms. S/T Stearns moved approval four (4) Explorers Academy Graduates for their Resident Program. Expenses are to be paid from UAIC Donation. Director Elliot amended the Motion to say that there will be no impact on the Preliminary Budget 2006-2007. During discussion, Director Brassfield asked Chief Ebert to provide, with his recommendations, written detail as to the total costs of additional volunteers or explorers. This would include costs for training, uniforms, safety equipment, licensing, etc. Motion was seconded. Chairman Bundy, Director Elliott, and S/T Stearns voted AYE, and Director John Brassfield voted NAY. Motion passed.

S/T Stearns moved to spend \$119,00 from DEV FEES on a new squad. Motion died for lack of a Second.

Chairman Bundy moved that Chief Ebert be authorized to obtain proposals for a Squad w/Class C License. Motion was seconded and passed.

Chairman Robert Bundy reported that he has made arrangements with the State of Colorado, Office of the Attorney General to be deposed re: General Steel. Chairman Bundy inquired as to the status of DMV Vehicle Registration of NFPD IHC/Seagrave Pumper, E-41. Chairman Bundy directed Acting Secretary to register E-41 with State of California, DMV.

Vice Chairman Bill Calkins was absent and his report re: changing Community Hall Front Door Lock Assembly was tabled.

Secretary-Treasurer Bob Stearns presented his report of the Workshop Meeting held June 1, 2006 (report attached)

S/T Stearns also reported that Jim Dobbas has removed and destroyed the Sleeper Trailer. He said that he is expecting a bill for dump fees and vehicle fuel. S/T Stearns asked Members of the Board to sign a Letter of Appreciation for Mr. Dobbas.

S/T Stearns attended a Boy Scouts of America court of Honor and received a charter granted to the Newcastle Volunteer Fire Department.

S/T Stearns reported that he has met with Kathleen Daugherty, Superintendent of Newcastle School District, regarding acquisition of school district property for location of a NFPD Main Station.

Director John Brassfield reported that he would begin processing the Special Tax reports to present to the Placer County Tax Collector the week of June 12, 2006.

Resolution No. 0606.08 *Requesting Collection of Charges on Tax Roll* was reviewed. Chairman Robert Bundy moved approval of Resolution No. 0606.08 Requesting Collection of Charges on Tax Roll. Motion was seconded and passed.

Unfinished Business:

Chairman Bundy reviewed the NFPD desire to have the Newcastle Firefighters Volunteer Association present to the Board of Directors a report of their organization structure (including but not limited to their IRS and State of California classifications), Officers & Directors and their how they interface with the NFPD Board of Directors. NFVA representative Jacob Poganski reviewed the Associations current work reviewing their Mission Statement and development of Bylaws and Standing Rules. Chairman Bundy requested that NFVA appoint a member to represent their Association to the NFPD Board of Directors

Budget 2006-2007. Chairman Robert Bundy moved approval of the Preliminary Budget 2006-2007 be adopted as corrected. Motion was seconded and passed.

In accordance with CA Health And Safety Code Section 13896. S/T Bob Stearns moved that September 14, 2006 be set as the date for approving Final Budget 2006-2007. Motion was seconded and passed.

New Business:

It was moved by Director John Brassfield that Director Skip Elliott be authorized as an additional signatory for Placer sierra Bank Accounts and NFPD Treasury Account with County of Placer Auditor-Controller. Motion was seconded and passed.

It was moved by S/T Bob Stearns to change Placer Sierra Bank Payroll Account requirement from two signatures to a signatures stamp of a member of the Board of Directors. Motion was seconded and passed.

It was moved by Director Skip Elliot to that monies from the UAIC Donation be used to pay Auburn Bookkeeping to prepare NFPD Accounting records for FY End 2006 Audit in accordance with their proposal dated June 2, 2006. Motion was seconded and approved.

It was moved by Director John Brassfield to approve the proposal for Auburn Bookkeeping to provide bookkeeping services for fiscal year 2006-2007, to include monthly Bank Account Reconciliation and NFPD reconciliation with Placer County Office of Auditor-Controller. Motion was seconded and passed.

Next Regular Meeting: July 13, 2006 at 7:30 PM.

Closed Board of Directors Meeting:

In Accordance with CA Government Code Section 54957 (b) 1 the Board of Directors review personnel matter including procedures and wage structure.

Reopen Board of Directors Meeting:

S/T Bob Stearns moved approval of wage structure changes as presented by Chief Dave Ebert. Motion was seconded and passed.

Adjournment: Chairman Robert Bundy adjourned the meeting at 11:30 PM.

Glenda J. Freeman, Acting Secretary
Newcastle Fire Protection District

NEWCASTLE FIRE PROTECTION DISTRICT

Board of Directors Meeting
Minutes
July 13, 2006
STATION 41
Newcastle, California

Call to Order: Chairman Bundy called the Meeting to Order at 7:35 PM.

Roll Call: Attending Chairman Robert Bundy, Secretary-Treasurer Bob Stearns, Director John Brassfield, Vice Chairman Bill Calkins, Chief Dave Ebert, and Acting Secretary Glenda Freeman. Absent Director Skip Elliott.

Pledge of Allegiance: was led by Chairman Robert Bundy.

Chairman, Robert Bundy noted that the Closed Board of Director Meeting and the Reconvene Open Meeting portion of the Agenda have been removed.

Chairman, Robert Bundy then introduced Robert W. Johnson, Certified Public Accountant.

Robert W. Johnson, CPA presented Financial Statement and Independent Auditor's Report for the year ended June 30, 2005 and Report on Accounting Controls and Procedures for the year ended June 30, 2005.

Chairman, Robert Bundy thanked Mr. Johnson for his time and commitment.

Public Comment: Greg Gilbert requested that Public Comment not be limited. He also noted several portions of The Brown Act concerning Closed Meetings regarding unofficial action in an official meeting. He suggested that the Board of Directors do a Brown Act workshop.

Jay Lewis Love commented that the Board of Directors is in violation of The Brown Act and the Fair Standard Labor Act because they are not providing to the public, the Board of Directors Meetings Minutes prior to their next regularly scheduled meeting.

Approval of Minutes:

Minutes of the Board of Directors Meeting June 8, 2006 were presented. Director John Brassfield moved that the Minutes be approved as presented. Motion was seconded and passed.

Secretary Report: none was presented.

Financial Reports & Bill Approval:

Director John Brassfield moved to accept the Financial Statement for Fiscal Year End June 30, 2005.

Review of Development Fees FY End 2006 Month 12 Report was reviewed.

Review Statues of United Auburn Indian Community Donation, FEMA Grant: Mobile Radios, UAIC Grant: Vehicle accident Response.

Review of Sierra Bank Account Reconciliation's General Account, Payroll Account and Savings Account.

Chairman, Rob Bundy reviewed the need for the District to create a Petty Cash fund of \$100. Vice Chairman, Bill Calkins moved that a Petty Cash fund of \$100 to be administered by the District Secretary. Motion was seconded and passed.

Review and approve Auburn Placer Disposal Bill No. 28873461 and Employment Development Department Vice Chairman, Bill Calkins moved to pay the two bills that were not reflected in the Preliminary Budget. Motion was seconded and approved.

Reports to the Board:

Chief Dave Ebert presented his July 2006 report to the Board (report attached). He also reviewed Specs 4X2 F550 Ford Fas-Tak Pumper.

Citizen Yvonne Lewis questioned the Chief regarding his previous statement about providing Brochures about CDF 100 ft setback requirements. She stated that to date she has not received notification about the requirements.

Chairman Robert Bundy stated that there was a procedure in place for processing the Minutes in a timely manner and hadn't given the procedure to the Acting Secretary. He said that the Minutes for this meeting would be available for Station 41 and the public by Monday, July 17, 2006.

He briefly reviewed his Strategic Master Plan and deferred further review at the August 10, 2006.

Vice Chairman Bill Calkins reviewed his plan to change the Fireman's Hall door lock and reported that the Placer Sierra Bank Safety Deposit Box was completed a June 2005.

Secretary-Treasurer Bob Stearns reported that the California Vehicle Registration paperwork is nearing completion for the Seagrave Pumper.

S/T Bob Stearns raised a question regarding the acquisition of a new Squad. VC Bill Calkins offered to attend the next Penryn Fire District Board of Directors meeting to ascertain their intention. Chief Ebert suggested that bids may be requested and then not accept any of them. Chief review the Boards authorization (directive) for him to pursue ascertaining the cost of a new Squad. Chairman Bundy stated that he would like to have comparable bids for any new equipment purchase.

Chairman Bundy stated that he would not support the purchase of a Squad that did not meet the long-term needs of the District. He suggested that for the overall picture the District needs possibility range might be a lot broader. Chairman Bundy stated he would not support any immediate decisions on any purchase until the District can take a broader scope on the expenditures.

Acquisition of a new Squad was tabled.

Director John Brassfield reviewed the current draft of the Final Budget 2006-2007. He suggested that the Board of Directors consider a mid-year correction for the Budget. He reported that placing Direct Charge for Unsecured and Secured assessment on the Property Tax Roll is near completion.

Newcastle Volunteer Firefighters Jay Lewis Love reported that because the guys are out on assignment and their report is not available to present.

Unfinished Business:

Chairman Robert Bundy reviewed the new personnel and wage structure that he developed. He discussed the new wages and staffing requirements that his plan encompasses which are three (3) Captains, three (3) Firefighters and one (1) forty hour position specifically for Station 42. Chief said that he only has Part-Timers to fill the forty-hour position. Chairman Robert Bundy directed Chief Dave Ebert to fill the position with a full timer if the part-timers were unable to staff Station 42 forty hours a week.

Resolution No. 0606.19 was reviewed. Vice Chairman, Bill Calkins moved acceptance of Resolution No. 0606.19. Motion was seconded and approved.

Resolution No. 0606.16 was reviewed. Secretary-Treasurer Bob Stearns moved adoption of Resolution No. 0606.19 with the names of the Incumbent be spelled correctly. Motion was seconded and passed.

New Business:

Review of documents required by Placer Sierra Bank was deferred to the August 10, 2006.

Review of the Agreement with Newcastle Fire District Employment and Wages. The last paragraph was reviewed and edited for content. Vice Chairman Robert Bundy moved approval of the MOU as amended. Motion was seconded and passed.

Next Regular Meeting: August 10, 2006 at 7:30 PM.

Public Comment:

Wayne Hickok stated that the District wouldn't go broke spending an additional \$400 a year to provide an extra totter for Station 41. Chief Dave Ebert allowed that he has \$500 in the 2000-505 Fire Hydrant Maintenance that he wasn't going to use and that he would pay for second totter from that account.

Greg Gilbert stated that 1) allow public comment thru out the process and 2) we didn't put salary issues on the Agenda in accordance with The Brown Act.

Yvonne Lewis stated that (missed statement) agencies allow public comment before and after each agenda item. *some special districts*

Adjournment: Chairman Robert Bundy adjourned the meeting at 9:56 PM.

Submitted by:

Approved August 10k 2006

Glenda J. Freeman, Acting Secretary
Newcastle Fire Protection District

Robert Bundy, Chairman
Newcastle Fire Protection District

NOTE: THE TAPE RECORDED MALFUNCTIONED AGAIN, ANYONE WHO WANTS TO COME TO THE DISTRICT OFFICE AND LISTEN TO THEM NEEDS TO CALL AND MAKE AN APPOINTMENT. THEY ARE BLANK FOR INTENT AND PURPOSE.
DISTRICT OFFICE....916-663-3323

None available for over one year

916-663-4355

Appendix D

September 20, 2006
Chief Dave Ebert
Newcastle Fire Protection District

Members of the NFPD Board of Directors have reviewed your response to our request for an action plan covering both operational and administrative issues of the department. We appreciate your response and feel your answers were directed to our many items of concern. We asked for a plan that would include implementation of policies and procedures to resolve many of these issues. We did not receive a plan.

The NFPD agreement with Penryn Fire Department allows room for amending the job description for your services. This agreement also anticipates that about 50% of your time will be spent on NFPD issues. We remain unconvinced that NFPD receives 50% of your time and attention.

Of primary concern in your response is that you have mentioned that certain records have not been made available to you. That response in itself concerns us greatly. You have never been denied any information or access to anything since you have been appointed Chief. If you have felt that access has been limited, we feel it is certainly your responsibility to clarify and resolve the situation promptly. All of the administrative files are, and have been available and at your disposal. All requests have been and will be honored promptly. This does not represent any change in procedure as it has always been the case. We believe you will find this to be more efficient now that all current files are better organized and in a central location (district office).

You may have misunderstood our comments regarding payroll records. Our reference here concerned the checking and approval of the time sheets. This is not an automatic procedure to be performed by unauthorized personnel. Payroll is directly your responsibility. Timesheets have not been processed and approved correctly since you have been Chief. This has to change. A policy must be created, approved and monitored. You have to assume accountability for our payroll situation. You were part of the transition to our current payroll company. You were in charge during the staff changes and hourly rate changes. In summary, we need you to be responsible for all phases of the payroll preparation. These time sheets are to be checked for accuracy and compliance with existing policies. This is even more important now that we have discovered some problems with our past compliance with the rules. Of course, scheduling and monitoring firefighters hours is increasingly important as our payroll budget no longer allows indiscriminate use of overtime.

We understand that your budget preparation and monitoring may have been done differently with other agencies, however NFPD requires you to prepare and maintain a "line-item" budget. Using this process we do not expect to be moving dollars from one account to another indiscriminately. We expect each account to be budgeted carefully and expenditures monitored carefully throughout the year. There may be cases where expenditures may have to be postponed until the next fiscal year. Your efforts on the budget need to change to meet the needs of NFPD. When requesting board approval for any expenditure, we expect to be presented with complete justification. This includes the "need" as well as all costs involved in the current and subsequent fiscal years. We must operate in a fiscally responsible manner but cannot operate effectively when uninformed. Please do not continue to bring requests to the board that represent "surprises", they will be denied. All of your proposals to the Board should be done in writing.

The Board is unaware of our prevention program. The Board would like to know how many inspections and plan checks are getting done. The Board needs to be informed on a monthly basis on will serves and their quantity and locations. The board needs to see a training program, previously requested on several

occasions. This program should be comprehensive and include all necessary elements. Further, the board needs regular updates on program progress.

The District has a Purchase Order system. Two of your Captains are fully aware of this. The Board needs an explanation why it is not being used, since it has been in place for years. We believe items may be being purchased without your knowledge, yet you continue to approve the resultant invoices. Your approvals should be prior to the acquisitions.

In your response to the Board you mention that we are not fully aware of the time you spend with Newcastle issues. That is correct, you have not been communicating effectively with the Board at the necessary level. We have responsibilities that have not been met due to the lack of communication from you. This Board does not know how much time if any you are spending developing policies. We also feel that communications with the Board and the Board Secretary have deteriorated further in recent months. You appear to have disdain for the Board. We see no real effort or desire to make things better or easier.

During your original interview for this "shared" Chief position you stated that you would be moving from Elk Grove to this area. The Board has not seen any attempt to accomplish this. Please notify the Board if you are no longer planning to move to this area.

It is your responsibility to maintain the department's efficiency and effectiveness. We still feel there has been a leadership breakdown when discussing the Volunteer Firefighters Association. The volunteers have always been led and directed by the Fire Chief. The Fire Chief, due to his knowledge of the District and volunteer budgets, has always assisted the volunteers in the decision-making process regarding donation money expenditures. We are of the impression that you do not want anything to do with this subject. The Fire Chief must lead every aspect of this organization. Refusal to participate in any aspect of the organization has had a negative impact on the progressive growth of this District.

The items above represent our most crucial administrative issues. You can be assured we are continually concerned about our facilities and the needs for something more appropriate and more safe. Further, this board is embarking on formation of the necessary committees to prepare both a short and long-range strategic plan.

Historically, Newcastle Fire Department has had it's own Fire Chief. We believe the citizenry felt more comfortable with a dedicated, local Fire Chief. Our current thoughts are that the existing situation is not working well for Newcastle Fire or the residents of the NFPD. It is our intention to propose recruitment for a dedicated Fire Chief. We understand the difficulty this may present considering our budget restraints. Further, we will propose giving notice to Penryn Fire District that we intend to terminate our yearly agreement and go on a month-to-month basis until a our new Fire Chief can be recruited.

Again, thanks for your attention to this matter.

Robert Bundy, Chairman
NFPD Board of Directors

Appendix E

From: Bob Roth [mailto:besco@jps.net]
 Sent: Sunday, September 10, 2006 9:15 PM
 To: undisclosed-recipients:
 Subject: Newcastle Board Meeting

Attached is Chief Dave Eberts response to Newcastle Fire Boards closed session regarding his incompetence with The Newcastle Fire District. Come to a board meeting and decide for yourself.

Thursday September 14th 6:00p Fire Hall
 Wednesday September 20th 6:00p Fire Hall

FYI - attached is my response to the Board. Bob Stearns is going to present it to them!!

Thanks for all of the support.

Dave

August 23, 2006

**PREPARED STATEMENT
 TO
 BOARD OF DIRECTORS
 NEWCASTLE FIRE PROTECTION DISTRICT**

I am writing this statement in answer to your concerns that were enumerated to me regarding my my performance as your Fire Chief. I will take each issue as it was presented to me in the same sequential order.

GENERAL: Your assessment of my performance relative to monitoring the duties of the prior secretary is duly noted. If you each will recall, I had numerous conversations with the Board regarding this issue, continuing to caution the Board regarding her inabilities to fully function. I will take full responsibility for my failure to follow up on these issues.

PLANNING: Since my arrival in this position, I have continually requested that the Board Planning Workshops in order to establish a series of goals, objectives and direction. During this time, there has been one workshop that was not attended by a majority of the Board Members – it is difficult, if not impossible for a Fire Chief to steer the ship if the Board does not set a direction direction of travel. At the Public Portion of the meeting where the Board censored my

file://C:\Documents and Settings\Ray Vega\Local Settings\Temp\untitled-2.htm

9/28/2006

performance, a document was distributed that clearly places this action on the list of responsibilities for the Board to achieve – I have, on numerous occasions, indicated to the Board that I was, and still am, willing to collaborate in a progressive planning cycle. I look forward to this event as it is crucial in not only overall operation, but also in employee development and the greater health of the organization.

I have informed the Board on numerous occasions that, in my opinion, the number one priority of the agency should be the replacement of the fire station – this is not unknown to members of the Board and has been magnified by the need to initiate emergency repairs in order to occupy the facility. Director Stearns and myself have taken on the research for alternatives, and will continue to do so if it is the direction of the Board.

MANAGEMENT: I have been told by the Board that I have not provided leadership to the fire fighting personnel and I strongly disagree with this statement. When I took over this position, the fire station interior was unsightly, and the apparatus room resembled a “homeless camp” with old, overstuffed furniture, an assortment of television sets (working and not working) along with an assortment of other junk that was not only unsightly but unsafe to have in a fire station! This situation has been corrected!! The fire station is now in a presentable condition with daily duties assigned to maintain the appearance (with limited funds) and maintain a safe and healthy working condition for employees and the general public that visit the facility.

The Board has also indicated that there is “little, if any, daily management of either administrative or operational activities.” This is an unfair statement!! Your statement goes on to say “staffing for Station 42 was limited – two full-time positions were approved. After hiring two additional persons, Station 42 was still not staffed.” The two full time employees that were added were not to staff Station 42 – they were to replace the combination of part-time and “sleeper” positions at Station 41, with Station 42 to be staffed with part-time employees. It is true that staffing has been a problem at station 42, and I have consistently informed the Board of the limited human resources available to accomplish this task; the Board should be mindful of the facts that when working with this type of workforce, the reliability of part-time help fluctuates with their availability and desire to work, particularly when hours are cut to meet the constraints of the budget.

Your statements relative to my failure to provide staff oversight are inaccurate!! I would like to remind the Board that as this agency has evolved in the past year, I placed a Captains Duty Guide in operation, along with a list of daily duties to be performed by the Fire Fighters – this is a work in progress and for the most part is adhered to by the staff, and you must further remember that that this has initiated a “culture change” in the agency.

I would like to quote from a recent article in the Fire Chiefs Magazine, July, 2006 where Chief Brunacini gives advice to fire service chief officers:

“Always be kind. For bosses, there is nothing more important than that. You’ll be in a position where you’ll have a lot of choices. There is enough cruel, sad stuff going on in the world. Bosses can bring authentic, positive kindness to organizations.

Have a good attitude. Your attitude is something you control, and a lot of the way you approach each day has to do with your view of the world.

Finally, never give up. Being a chief is a long-term sort of thing. Cultural Change takes 10 years in fire departments – if you think that you’re going to

change things in three months, you're living in a dream world.
That's it: Be kind, have a good attitude and never give up."

The Board has stated that there is a split between the full-time and volunteer staff!! This statement is false!!! You further state that I have done nothing to resolve this rift. It may surprise surprise you how supportive the paid and unpaid staff are of each other – the only rift that I can identify is the lack of trust that the staff has of the Board – I cannot fix this issue!!

The Board has also indicated that there seem to be misuse of District supplies and equipment – I have not seen this!

The Board has accused me of failure to monitor payroll hours and wages. I have never had access to the records that would enable me to accomplish this, and still do not have access to records – I only have the information that is passed on to the Board verbally by the Secretary.

The Board has stated that I have failed to provide necessary training to the fire fighters. This is an untrue statement – this agency has on-going manipulative training in fire control operations on a daily basis relative to the enforcement of the basics that are taught in the Academy: each time we place a new volunteer in place, they are sent to the Academy at a cost of approximately \$114.00/employee. Many of our employees have been sent to outside training delivered by the State Fire Training System, other fire service agencies and the National Fire Academy. In to the aforementioned, the NFPD trains on a regular basis with adjoining agencies on multi-company drills.

You state that I have not provided the necessary immunizations for fire fighters – this statement is wrong – the District provides the budget, and the employees are afforded the opportunity to get immunization from the County Health Department. The immunizations are strongly but not mandated!!

BOARD COORDINATION/COOPERATION: The Board has the impression that I do not follow and further generate general lack of attention to Board wishes and further that I fail to keep the Board informed.. I apologize if this is the impression that I have extended and I assure each of you that it is not my intention to operate in this fashion. I was asked by Mr. Brassfield several months ago to be more complete with my reports to the Board, I did this and was given accolades from Mr. Brassfield – I am confused as to what the Board wants!!
I further am sorry if the Board feels that project estimates are optimistic – I will attempt to be more realistic!!

FISCAL/BUDGETING: The Board has stated that I fail to obtain necessary approval for and further that I recently committed NFPD to several thousand dollars for wildland gear a grant match without Board approval. This statement is unfair – the information was clearly presented to the Board and acted upon in an open meeting, and is reflected in the budget. As far as "exercising" the budget, I can only operate on the information that I have – when the Secretary Secretary tells me, and Board Members that there is "X" amount of money in the budget, that is my only barometer – I have not had in the past, and still do not have a regular summary of expenditures and revenue balances, nor do I have access to records.

The Board has said that I have failed to prepare the Preliminary Budget adequately – This statement is wrong!!! I attended the "Budget Workshop" where I indicated the needs of the department, based on the estimates that were provided to me from the previous year, and I gave you my best estimated based on my operational knowledge of the fire service. This workshop was

not attended by the whole Board, as a matter of fact, I don't think that there were sufficient members to form a quorum.

Relative to my time spent conducting business for NFPD – I don't think that the Board is fully aware of the time that I spend, not only the on-going daily routine activities, but the meetings with with developers, land owners, conducting inspections for compliance to fire code, and a wide variety of telephone consultations regarding development questions – then throw in the emergency activity.

I believe that the Newcastle Fire Protection District is comprised of a dedicated and highly motivated group of volunteer and professional fire fighters that serve the community with pride and honor, it is my pleasure to serve with such people. I also believe that the members of this department have a desire to see the fire department thrive, as well do I. I sincerely want to work with the Board and this department in a positive manner and further develop a healthy agency.

Appendix F

AGREEMENT TO PROVIDE FIRE CHIEF SERVICES

ORIGINAL

This Agreement is entered into this 20th day of May 2004 by and between the Newcastle Fire Protection District, a California Special District (herein after "Newcastle") and Penryn Fire Protection District, a California Special District (herein after "Penryn").

Whereas, the parties hereto desire to enter into an agreement for the purpose of engaging the services of Penryn's Fire Chief to act as the Chief Officer for Newcastle in addition to his duties as the Chief for Penryn.

Accordingly, it is agreed as follows:

1. Employment.

1.1 Scope of Duties. The duties and authorities of the Chief shall be as set forth below and as detailed in the Job description attached hereto as Exhibit A and incorporated herein by reference. Newcastle reserves the right as a public entity and Special Fire District to amend the job description as appropriate and necessary and to substitute any future amended job description for Exhibit A.

1.2 Division of Service. The parties anticipate that the Chief will reasonably divide his time as Chief Officer between Penryn and Newcastle as the duties and responsibilities of each district require. Both parties understand that there will be times when one district requires more of the Chief's attention than the other, however, generally speaking the division of services should approximate 50/50.

1.3 Rules and Regulations.

The Fire Chief will apply Newcastle Fire Protection District Rules, Regulations, Policies and Practices in the Newcastle Fire District area and those of the Penryn Fire Protection District in their jurisdictions. In the unlikely event of a conflict the Fire Chief, in an emergency, may make the decision as to which rule or regulation to follow until such time as he can reasonably seek resolution.

1.4 Limitations Upon Authority to Bind Newcastle. Notwithstanding anything to the contrary contained herein, Penryn agrees that the Chief shall not, without the prior approval of Newcastle's Board of Directors or such officer or officers as the Board of Directors may designate, engage in any of the following on behalf of Newcastle.

- (a) Borrow or obtain credit in any amount or execute any guarantee, except for items for sale by vendors in the ordinary course of the Fire Chief's operation;
- (b) Expend funds for capital equipment in excess of expenditures expressly budgeted and approved by the Board of Directors;
- (c) Sell or transfer capital assets; and
- (d) Execute any lease of real or personal property.

2. **Term.** The term of this Agreement for the first year shall be for a period of thirteen (13) months beginning on the 1st of June 2004 and ending on the 30th day of June of 2005. Each subsequent year shall begin on the 1st of July and ending on the 30th of June. At the end of each year this agreement shall automatically renew for another year unless terminated by either party as set forth in this agreement.

3. **Compensation.**

3.1 **Compensation.** Newcastle shall pay Penryn the sum of Thirty Thousand Dollars (\$30,000) per year payable in four equal payments, on the first business day of each quarter of the year. The amount of compensation may be adjusted from time to time upon written agreement of the parties.

3.2 **Expenses.** Newcastle shall reimburse either Penryn or the Chief for the actual cost of any direct expenses incurred by the Chief in performing his duties pursuant to this Agreement, provided that documentary evidence of such expenses are presented to Newcastle to substantiate the expenses incurred and provided that the Chief receives prior approval from a designated officer of the Newcastle District for all expenses incurred in excess of Five Hundred Dollars (\$500.00).

3.3 **Salary, Vacation, Sick Leave, Holidays.** The Fire Chief shall at all times remain an actual employee of the Penryn Fire District and they shall be responsible for setting and paying the salary and benefits of the Chief and providing the necessary workers compensation insurance for him. Newcastle shall provide accommodation for the Fire Chief's vacation, sick leave and holidays as permitted under the employment contract between the Chief and Penryn Fire Protection District.

3.4 **Vehicle.** The Chief is currently provided a vehicle by the Penryn Fire District and it is anticipated that he will continue to use that vehicle as it is available. He may also use a vehicle from the Newcastle Fire District for business related purposes as required. The Chief may use the Newcastle vehicle for personal reasons if, in his judgment, use of the vehicle may be necessary to respond to emergency alarms, for District business or for use in conjunction with out of District business. He may also transport persons who are not District employees in the vehicle in appropriate circumstances. Penryn and Newcastle shall maintain adequate liability insurance on their respective vehicles at all times.

3.5 **Professional Development.** Newcastle may approve training or professional development opportunities, and share in the cost of such when the training benefits both agencies.

3.6 **Uniform.** Pursuant to this agreement, Newcastle will issue a badge and ID card to the Chief identifying him as the Newcastle Fire Chief. Penryn agrees to modify its uniform regulations to allow the Chief to wear a distinctive shoulder patch identifying him with the Newcastle Fire Protection District as well as with the Penryn Fire Protection District. In all other respects his uniform shall remain as regulated by the Penryn Fire Protection District.

4. **Termination.** Upon termination of this agreement, unless otherwise agreed upon by the parties, the current costs for the agreement shall be prorated and the amount of such funds

remaining that have already been paid to Penryn shall be reimbursed to Newcastle. This agreement may be terminated under the following conditions:

4.1 Upon the mutual agreement of Newcastle and Penryn in writing;

4.2 By notice from either party in writing indicating that they desire to terminate the agreement. Such notice shall be given at least 60 days prior to the effective date of the proposed termination date and shall include the reasons for such termination.

5. Miscellaneous.

5.1 Entire Agreement. This document constitutes the entire agreement between the parties, all oral agreements being merged herein, and supersedes all prior representations. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, oral or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement, statement, or promise not contained in this Agreement shall be valid and binding.

5.2 Amendment. The provisions of this Agreement may be modified at anytime by agreement of the parties. Any modification of this Agreement will be effective only if it is in writing and signed by both parties.

5.3 Nonassignability. This Agreement and the rights and duties hereunder may not be assigned by any party hereto without obtaining the prior written consent of the other party, and the parties expressly agree that any attempt to assign the rights of any party hereunder without such consent will be null and void.

5.4 Severability. If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

5.5 Governing Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of California.

5.6 Waiver. The parties hereto shall not be deemed to have waived any of their respective rights under this Agreement unless such waiver is in writing and signed by such waiving party. No delay in exercising any rights shall be construed as a waiver nor shall a waiver on one occasion operate as a waiver of such right on any future occasion.

5.7 Attorneys' Fees: If the services of an attorney are required by any party to secure the performance of this Agreement or otherwise upon the breach or default of another party to this Agreement, or if any judicial remedy or arbitration is necessary to enforce or interpret any provision of this Agreement or the rights and duties of any person in relation thereto, the prevailing party shall be entitled to recover from the other party reasonable attorneys' fees, in addition to any other relief to which the party may be entitled.

5.8 Notices. Any notice required or permitted under this Agreement shall be given in writing either by personal service or by certified mail with return receipt requested, postage prepaid to the legal address of record of the other district.

**AGREEMENT TO PROVIDE
FIRE CHIEF SERVICES**

**SIGNED BY THE CHAIR, BOARD OF DIRECTORS
OF THE:**

NEWCASTLE FIRE PROTECTION DISTRICT

By: Neil L. Anderson Date: 1-20-04

PENRYN FIRE PROTECTION DISTRICT

By: C. R. D. Date: 5-20-04

ORIGINAL

RESPONSES



Bob Stearns, Chairman
Laurie Bettencourt, Vice Chairman
Bill Calkins, Director
Michelle Elliot, Director

Fire Chief Dave Ebert
Administrative Assistant Glenda Freeman
916-663-3323
nfpd@ncbb.net

April 28, 2007

Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

RE: 2007 Grand Jury Report Newcastle Fire Protection District

Dear Members of the Grand Jury:

After reviewing the Grand Jury's report and findings concerning the Newcastle Fire Protection District we have prepared the following responses to the Grand Jury's findings and recommendations.

Several factual errors were noted in the Grand Jury's Report and the Newcastle Fire Protection District Board of Directors wishes to comment on the following:

FACTS:

Page 7, paragraph 2 – "Part-time employees were paid on an hourly basis up to \$8.50 per hour."

Fact: Part-time employees were paid \$8.72 per hour while paid captains were paid \$8.00 per hour.

Page 7, paragraph 2 – "Special provision was made for a "sleeper shift" in which some employees could sleep in the firehouse and receive \$15 for the night and an additional \$5 an hour if they had to respond to a fire." Fact: Firefighters were paid \$11.83 for a sleeper shift and \$11.83 per call during the sleeper shift.

Page 7, paragraph 2 – "...it was impossible to compute benefits, taxes, holiday pay, or overtime remuneration accurately." Fact: The Newcastle Fire Districts never received any benefits or holiday pay. The "sleeper shift" was in clear violation of the Fair Labor Standards Act. The Newcastle Fire District took action to terminate the "sleeper shifts" and to pay the firefighters on an hourly basis as required by law.

Page 7, paragraph 5 – “The 2004 board...made a substantial investment in a steel building...”
Fact – The investment was made in 2002. Payments totaling \$19,928 were paid in 2002 and 2003 (\$9,963 in April 2002 & \$9,965 in May 2003).

Page 7, paragraph 1 – “In one board meeting, a letter from the board chairman to the Chief was read.” Fact – The letter, dated September 20, 2006 was read in portion at the board meeting on the same date. The letter was written in response to the Chief’s Prepared Statement, dated August 23, 2006, which the Chief wrote in response to the Closed Session of June 13, 2006. This Prepared Statement was broadcast via email on September 10, 2007 by Bob Roth.

Page 8, paragraph 5 – “She (secretary) volunteered for a year provided they (district) gave her a private office outside the fire station.” Fact: The volunteer secretary agreed to volunteer her services for one year under the condition that she be provided an office in which she could work. At the time the secretary’s office was in the crews quarters and inappropriate (See pg. 9, pp 1 “Upstairs is a sleeping area for resident fire fighters and a *makeshift office with little to no privacy.*” This was the only office available to the secretary.) The only other office in the station is used by the firefighters. There is also excessive amounts of exhaust that permeate the building when the firefighters take the apparatus to a call that permeated the secretary’s area.

Page 8, paragraph 5 – “The Chief has not had access to NFPD’s records, not even a key to the office.” Fact: The Chief was never denied access to any of the secretary’s records. There were no personnel records located at the office. All the records in the office were compiled by the secretary and the Chief would have had to have the secretary assist him in locating any items in the files. The Chief and the secretary have a good working relationship.

Page 8, paragraph 5 – “Therefore, he could not oversee such things as time cards and the payment of invoices.” Fact: The timecards are submitted directly to the Chief, who then approves the hours, and forwards them to the secretary for processing. The secretary prepares the invoices then presents them to the Chief for approval before processing them. The Chief had full access to timecards and invoices at all times.

Page 9, paragraph 2 – “Scotts Flat Substation is located east.....” There is no Scotts Flat Substation. Station #42 is located at Scott’s Corner.

METHODOLOGY (pg. 6)

The NFPD Board of Directors notes that only three of the five members of the board were interviewed for the report.

FINDINGS (pg. 9)

1. AGREE – “The Grand Jury was unable to observe any violations of the Brown Act.”
2. (a) AGREE – “The firefighters’, engineers’, and captains;’ wages were properly changed to an hourly bases. Their wages are now being paid in an appropriate and accountable manner.”
(b) AGREE IN PART – Some of the fire fighters have brought a lawsuit against the district, and this suit is currently pending litigation.” FACT – Some of the firefighters have contacted an attorney regarding the incorrect payment of the hours worked for the “sleeper shifts.” No lawsuits have been filed. The board of directors is in the process of completing a payroll audit and working with the Department of Labor to avoid any

incorrect payments in the future and to pay the firefighters any back due wages. This process should be completed by the end of April 2007.

(c) AGREE IN PART– “The current pay scale is relatively low and works against the organization’s efforts to attract and retain qualified personnel.” FACT - The board of directors agrees that the pay scale for the district employees is low and not comparable to industry standard. The board of directors is severely limited by the inadequate fire district budget and revenue stream. While retention of employees is a problem, the firefighters training and qualifications are comparable to surrounding districts. The district maintains a small dedicated cadre of well trained and qualified personnel. The Chief organizes and supervises state mandated and industry standard training. The firefighters meet or exceed all minimum standards.

3. AGREE IN PART – “The morale of the firefighters is low.... Many of the morale issues are directly related to the tension between the NFPD board and the Chief.” FACT - The board of directors agrees that there have been tension between certain board members and the Chief. Due to several recent resignations of board members and the appointment of new board members the relationship between the Chief and the board has improved. The board has been taking steps to repair the relationship and correct several issues that have lead to the low morale of the firefighters.
4. AGREE IN PART – “The NFPD’s board of directors does not function efficiently...board meetings are contentious and very lengthy...” FACT - The board of directors had been taking steps to improve the efficiency of its board meetings and each month there has been steady improvement in the length of the meetings and the amount of business that has been accomplished.
5. DISAGREE IN PART – “The secretary is working on a voluntary basis as long as she is provided with “good” office space. Next year the NFPD anticipates paying a secretary \$10,500 per year as well as paying \$450 per month for office rental: FACT – The secretary agreed to volunteer for one year under the condition that she be provided with an office in which she could work that was not located in the crews quarters. The office lease expires July 31, 2007 and the district has no plans to continue the lease. When Station #41 is replaced the district office will be relocated to the new station. The district anticipates paying some amount to a secretary next year, however several options are being explored at this time and no set dollar amount has been discussed.

RESPONSE TO CONCLUSIONS / RECOMMENDATIONS

Recommendation 1: The NFPD board must clearly delineate its role in setting policy and defining district practices. It is then the responsibility of the Chief to implement the board’s directives. The board should not be involved in the day-to-day running of the district.

- AGREE – The board of directors is currently working to delineate the role of each member and the responsibility of the board and the Chief.

Recommendation 2: Public input on board decisions is critical. There should never be a question of timely agenda posting or meeting minutes availability.

- AGREE – The board of directors welcomes pertinent, timely, and concise input regarding agenda items. The secretary diligently works to post the agenda in a timely manner and has an email network for providing meeting minutes to those who request them.

Recommendation 3: The Chief should have access to and oversee the office and records. The secretary should report to him and not to the board of directors.

- AGREE – The Chief currently has access and oversees all office records. Due to the size of the district office there is only room for the secretary. The Chief maintains a separate office at this time. The board of directors made changes in the chain-of-command at the April 2007 board meeting. The secretary now reports to the Chief for direction and continues to work closely with the board when requested.

Recommendation 4: Eliminate or minimize the cost of the NFPD secretary position.

- DISAGREE – The secretary position is currently a volunteer position. The secretary volunteers a minimum of 20 hours per week. The Chief is unwilling and unable to perform the current tasks performed by the secretary; and having the Chief do these tasks would be time consuming and take away from his operational duties. The district is considering alternatives to the current secretary position, however there will be some costs associated with the performance of the position.

Recommendation 5: NFPD should attempt to have the County Auditor-Controller take over payroll processing and bill paying, the same way as the Penryn Fire Protection District handles their financial affairs.

- DISAGREE – The implementation of payroll through the County Auditor-Controller would cost the fire district \$10,000 in set up costs. The bill paying process used by Penryn FD is time consuming for the Chief and takes up approximately one-half of his time. This change in practice would not be cost effective for the Newcastle Fire District.

Recommendation 6: The Newcastle board of directors should make every effort to make their relationship to one another more harmonious. This should lead to shorter and more productive meetings. Special attention should be directed toward the firefighters' morale.

- AGREE – Several changes have occurred in the makeup of the board of directors. Board meetings have become shorter and more productive.

Recommendation 7: A very high priority should be placed on relocating or rebuilding the current NFPD fire station.

- AGREE – The replacement of Station #41 has been a high priority for some time.

Recommendation 8: The issue of manning the Scotts Flat Substation on a forty-hour per week basis is one best left to the Chief.

- AGREE – The staffing of Station #42 at *Scott's Corner* is currently being evaluated by the Chief. When the Chief completes his call response study he should make a recommendation to the board of directors based on firefighter safety, response times, response volume, response cost and type.

Sincerely,

Laurie Bettencourt
Vice-Chair